



**CITY OF KIRKLAND**  
**Planning and Community Development Department**  
**123 Fifth Avenue, Kirkland, WA 98033 425.587-3225 -**  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Tony Leavitt, Associate Planner  
Eric Shields, AICP, Planning Director

**Date:** September 2, 2014

**Subject:** Meritage Ridge Preliminary Subdivision Appeal Hearing, SUB13-02088

### **RECOMMENDATION**

Staff recommends that the City Council consider the Appeal of the Hearing Examiner's Approval filed by Kathryn O'Neill and direct staff to return to October 7<sup>th</sup> Council meeting with a resolution to either:

Affirm the decision of the Hearing Examiner; or  
Modify or reverse the decision of the Hearing Examiner.

In the alternative, direct that the application be considered at a reopening of the hearing before the Hearing Examiner and specify the issues, related to the appeal, to be considered at the hearing.

The City Council may, by a vote of at least five members, suspend the Council rule that requires a vote on the matter at the next meeting and vote on the application at this meeting. A resolution reflecting the recommendation of the Hearing Examiner is enclosed.

### **BACKGROUND DISCUSSION**

#### ***City Council Rules of Procedure***

Under the Council Rules of Procedure, Section 25, the City Council shall consider a Process IIA appeal at one meeting and vote on the application at the next or a subsequent meeting. The City Council may, by a vote of at least five members, suspend the rule to vote on the matter at the next meeting and vote on the application at this meeting. The Council vote shall occur within 60 calendar days of the date on which the letter of appeal was filed. In this case, the appeal was filed on July 14<sup>th</sup> and 60 calendar days is September 12<sup>th</sup>. The appeal hearing was originally scheduled for September 2<sup>nd</sup>, but the appellant was out of town on that date.

### ***City Council Consideration***

Pursuant to Chapter 150 of the Zoning Code, the City Council must consider the appeal of the Process IIA Decision based on the record before the Hearing Examiner and the decision of the Hearing Examiner. The appellant and applicant are the only people allowed to participate in the appeal hearing; and the applicant may submit a written response to an appeal filed by an appellant. However, the City Council, in its discretion, may ask questions of the appellant, applicant or staff regarding facts in the record, and may request oral argument on legal issues. The City Council shall allow each side (proponents and opponents) to speak for a maximum of ten minutes each.

After considering all arguments within the scope of the appeal submitted by persons entitled to participate in the appeal, the City Council shall, by motion approved by a majority of its total membership, take one of the following actions:

- If City Council determines that the disputed findings of fact and conclusions of the Hearing Examiner are the correct findings of fact and conclusions, the Council shall affirm the Hearing Examiner's decision.
- If City Council determines that the disputed findings of fact and conclusions of the Hearing Examiner are not correct and that correct findings of fact and conclusions do not support the decision of the Hearing Examiner, the Council shall modify or reverse the decision.
- In all other cases, the Council shall direct the Hearing Examiner to hold a rehearing on the matter. The motion may limit the scope of the matters to be considered at this rehearing.

### ***Project Proposal***

The proposal is to subdivide five existing parcels (totaling 5.98 acres) into 36 separate lots in a RSA 8 Zone. The RSA zone is a single family residential zone with a maximum density of 8 units per acre and a minimum lot size of 3,800 square feet. See Enclosure 1 for the site plan. Access to the lots will be provided via a new access road off of 136th Avenue NE. The new access road will also connect to the existing NE 129th Street right-of-way, to the west of the site, to create a new through road.

### ***Public Hearing***

Prior to the hearing, staff prepared an Advisory Report that was forwarded to all parties of record. The report recommended approval of the application subject to conditions.

The Hearing Examiner held an open record public hearing on June 18, 2014. City Staff, the applicants, and 13 individuals testified during the hearing (see Enclosure 2 for Draft Hearing Minutes). Testimony at the hearing focused on the proposed road connection

and the potential impacts to the existing neighborhoods to the west of the site. An audio recording of the hearing is located here: [Meritage Ridge Audio Recording](#).

### ***Hearing Examiner Decision***

On June 25th, the Hearing Examiner approved the application subject to the conditions outlined in her report (see Enclosure 3 for report and links to all exhibits). The Hearing Examiner concluded that the proposed NE 129<sup>th</sup> Street connection was consistent with applicable Comprehensive Plan Policies and approved the connection.

### ***Appeal of Hearing Examiner's Decision***

On July 14<sup>th</sup>, Kathryn O'Neill (a party of record) filed a timely appeal of the Hearing Examiner's Approval Decision (see Enclosure 4). Ms. O'Neill's appeal contests the extension and connection of the NE 129<sup>th</sup> Street stub with 136<sup>th</sup> Avenue NE. The appellant bases her appeal on the following:

- The City of Kirkland Planning Department (and other entities cited in Exhibit A) did not use substantially current data when proposing recommendations, guidelines and conditions to the applicant (Harbor Homes LLC); and
- The current plan is in clear violation of numerous transportation goals and related policies as outlined in the City of Kirkland Comprehensive Plan.

### ***Staff Analysis of Appeal***

KZC Section 150.100.1 requires that staff prepare an analysis of the specific factual findings and conclusions disputed in the letter of appeal.

### **Traffic Data**

The appellant contends that the traffic data that staff reviewed as part of the Traffic Impact Analysis (TIA) Report review was grossly inaccurate.

*Staff response:* The City's Transportation Engineer concluded that the data used in the applicant's TIA report followed City TIA guidelines and the scope of the analysis was approved by the engineer.

Additionally, the appellant claims that the "recent spike of development in the area" was not considered in the TIA.

*Staff response:* Staff reviews projects for traffic concurrency at the time that a complete development application is submitted. The proposed project passed traffic concurrency on October 9, 2013. All other projects that had previously applied for traffic concurrency approval (including the nearby Momco and Vintner's West Plats) were considered in the concurrency analysis for this

project. All future developments in the area will have to pass the same traffic concurrency test.

Transportation Engineering Staff will be present at the appeal hearing to answer any technical questions.

### **Comprehensive Plan Policies**

The appellant claims that the proposal is direct violation of numerous goals and polices outlined in the transportation section of the Comprehensive Plan. Specific policies are stated in the appeal letter and Staff will address each one.

*Policy T-4.1: Promote efficient use of existing rights-of-way through measures such as:*

- *Intersection improvements;*
- *Time-of-day parking restrictions along congested arterials;*
- *Signal timing optimization;*
- *Added center left-turn lanes; and*
- *Limiting left turns along congested arterials.*

*Appellant:* The plan for the road connection would violate this policy by encouraging rather than limiting left turns.

*Staff Response:* NE 132<sup>nd</sup> Street and 136<sup>th</sup> Avenue NE are not classified as arterial streets, so this policy would not apply.

*Policy T-4.2: Consider improvements such as queue bypasses, time-of-day parking restrictions, transit signal priority and arterial transit lanes for transit or carpool use that will increase the people carrying capacity of roadways.*

*Appellant:* This policy was largely ignored in the report. Conditions such as the persistent parking issues along NE 132<sup>nd</sup> Street were not recommended as a traffic mitigation option.

*Staff Response:* Public Works Staff determined that project did not require any offsite mitigation including the mitigation of existing parking conditions along NE 132<sup>nd</sup> Street. Parking restrictions could be proposed and reviewed thru the City's Neighborhood Traffic Control Program. Parking violations would be addressed by the Kirkland Police Department.

*Policy T-1.2: Mitigate adverse impacts of transportation systems and facilities on neighborhoods.*

Transportation systems and facilities can have adverse impacts on neighborhoods such as:

- Safety problems due to speeding vehicles and increasing traffic volumes;
- Increased traffic resulting from drivers seeking alternate routes to congested arterials; and/or
- Air and noise pollution.

*Appellant:* The proposed connection deeply breached this policy and the road connection comes without the ability to mitigate the overall burden on 136<sup>th</sup> Avenue NE.

*Staff Response:* To address this policy, the supporting text for Policy T-1.2 calls out techniques to use to avoid these impacts or mitigate them when avoidance is not possible including:

- Developing and implementing neighborhood-appropriate street design standards which are appropriate for the neighborhood.
- Creating an interconnected system of streets to distribute the traffic load and lessen the burden on any given street.

The proposed connection would complete these interconnected streets. The Hearing Examiner concluded Staff's recommendation for use of traffic calming techniques on the road, such as speed bumps, and stop signs at intersections, is consistent with Comprehensive Plan Policies T-1.2.

*Policy T-1.3: Establish a street system that promotes and maintains the integrity of neighborhoods.*

*Appellant:* This section is simply cited, but not explained.

*Staff Response:* This text supporting this policy continues with the following:

The street system is more than a circulation route; it is a major land use that exerts a strong influence on neighborhood integrity. Too often, this influence is seen as disruptive and intrusive. The street system can, however, be a strong positive force in promoting neighborhood integrity. As an example, streets can:

- Allow for local and internal circulation;
- Contribute to a sense of safety and security;
- Have urban greenery and take advantage of opportunities for scenic views;
- Provide recreational opportunities for bicyclists and pedestrians; and
- Be a place for special events and street block parties.

To promote neighborhood integrity, streets should be classified, designed, and developed in a manner that recognizes and respects the surrounding neighborhood.

The proposed street classification and design elements are consistent with this policy.

## **ENCLOSURES**

1. Site Plan
2. Hearing Minutes from June 18<sup>th</sup> Hearing
3. Hearing Examiner Decision and Exhibits
4. Appeal Letter filed by Kathryn O'Neill

NW 1/4 SECTION 27, TOWNSHIP 26 N, RANGE 5 E, W.M.  
**MERITAGE RIDGE**



D.R. STRONG  
 CONSULTING ENGINEERS  
 ENGINEERS PLANNERS SURVEYORS  
 607-7th Avenue, Kirkland, WA 98033  
 (206) 827-3000 F 425.677.2403

MERITAGE RIDGE  
 COVER SHEET  
 12817 128TH AVENUE NE  
 KIRKLAND, WASHINGTON

HARBOUR HOMES, LLC  
 1441 N. 34TH STREET, SUITE 200  
 SEATTLE, WASHINGTON 98103  
 (206) 315-9100



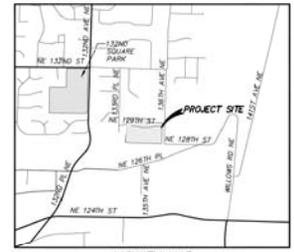
DATE: 02.08.14  
 REVISION: 02.08.14  
 DRAWN: YLP  
 CHECKED: MAJ  
 PROJECT NO.: 13029

DRAFTED BY: YLP  
 DESIGNED BY: YLP  
 PROJECT ENGINEER: MAJ  
 DATE: 11.08.13  
 PROJECT NO.: 13029

DRAWING: CT  
 SHEET: 1 OF 9

**PROJECT DESCRIPTION:**  
 ADDRESS OF THE PROPERTY: 12817 128TH AVENUE NE  
 PARCEL NUMBERS: 272605-9033 - 9095 - 9096 - 9099 - 9100  
 EXISTING ZONING: RS4-B  
 PROPOSED CHELLING UNITS: 36  
 ADDRESS: 5.98 ACRES (260,327 S.F.) GROSS  
 R.O.W. AREA: 55,174 S.F.  
 PROPOSED USE: SINGLE FAMILY DETACHED HOUSING  
 SENIOR DISTRICT: NORTHSHORE UTILITY DISTRICT  
 WATER DISTRICT: WOODSHORE WATER DISTRICT  
 SCHOOL DISTRICT: LAKE WASHINGTON NO. 414  
 TELEPHONE SERVICE: HERZOG  
 POWER SOURCE: PUGET SOUND ENERGY

**PROJECT CONTACTS:**  
 APPLICANT / OWNER: HARBOUR HOMES, LLC  
 1441 N. 34TH STREET, SUITE 200  
 SEATTLE, WASHINGTON 98103  
 (206) 315-9100  
 CONTACT: JAMES WALTON  
 JAMES.WALTON@HARBOURHOMES.COM  
 CIVIL ENGINEER: D.R. STRONG CONSULTING ENGINEERS, INC.  
 607 7TH AVENUE  
 KIRKLAND, WASHINGTON 98033  
 (425) 627-3000  
 CONTACT: MANEY A. JOUDI, P.E.  
 MANEY.A.JOUDI@DRSTRONG.COM  
 SURVEYOR: D.R. STRONG CONSULTING ENGINEERS, INC.  
 607 7TH AVENUE  
 KIRKLAND, WASHINGTON 98033  
 (425) 627-3000  
 CONTACT: STEPHEN J. SCHMIDT, P.L.S.  
 STEVE.SCHMIDT@DRSTRONG.COM



**SITE PLAN NOTES:**  
 1. CITY HAS REQUESTED A PEDESTRIAN CONNECTION BETWEEN OVA-DE-SAC AND 128TH AVENUE NE, OVER A PARKWAY TO BE INSTALLED.  
**TYPICAL BUILDING SETBACKS**  
 UNLESS OTHERWISE NOTED, BUILDING SETBACKS ARE AS FOLLOWS:  
 FRONT YARD SETBACK: 20 FEET  
 GARAGE SETBACK: 20 FEET  
 SIDE YARD SETBACK: 5 FEET  
 STREET SIDE YARD SETBACK: 5 FEET  
 REAR YARD SETBACK: 10 FEET  
 PIPELINE EASEMENT: 30 FEET

**LEGAL DESCRIPTION**  
 LOT 1, KING COUNTY SHORT PLAT NUMBER 67800, RECORDED UNDER RECORDING NUMBER 190424-065 BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON.  
 LOT 2, KING COUNTY SHORT PLAT NUMBER 67800, RECORDED UNDER RECORDING NUMBER 190424-065 BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON.  
 TOGETHER WITH AN EASEMENT FOR ingress, egress and UTILITIES AS DESCRIBED AND DELINEATED IN SAID SHORT PLAT.  
 EXCEPT ANY PORTION THEREOF LYING WITHIN THE ABOVE DESCRIBED MAIN TRACT OF LAND.

LOT 3, KING COUNTY SHORT PLAT NUMBER 67800, RECORDED UNDER RECORDING NUMBER 190424-065 BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON.  
 TOGETHER WITH AN EASEMENT FOR ingress, egress and UTILITIES AS DESCRIBED AND DELINEATED IN SAID SHORT PLAT.  
 EXCEPT ANY PORTION THEREOF LYING WITHIN THE ABOVE DESCRIBED MAIN TRACT OF LAND.

LOT 4, KING COUNTY SHORT PLAT NUMBER 67800, RECORDED UNDER RECORDING NUMBER 190424-065 BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON.  
 TOGETHER WITH AN EASEMENT FOR ingress, egress and UTILITIES AS DESCRIBED AND DELINEATED IN SAID SHORT PLAT.  
 EXCEPT ANY PORTION THEREOF LYING WITHIN THE ABOVE DESCRIBED MAIN TRACT OF LAND.

PANEL A, CITY OF KIRKLAND LOT LINE ALTERATION NO. RECORDS OF KING COUNTY, WASHINGTON.  
 TOGETHER WITH AN EASEMENT FOR ingress, egress and UTILITIES OVER UNDER AND ACROSS A PARCEL LYING 33 FEET, AS MEASURED AT RIGHT ANGLES ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:  
 COMMENCING AT THE SOUTHWEST CORNER OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILAMETTE MERIDIAN, THEREIN CONTAINING NORTH 88°10' WEST 370.0 FEET TO THE TERMINUS OF SAID LINE, ALSO;  
 TOGETHER WITH AN EASEMENT FOR ingress, egress and UTILITIES OVER, UNDER AND ACROSS A PARCEL LYING SOUTHEASTERSLY OF A CURVE, HAVING A RADIUS OF 25.00 FEET BEING TANGENT WITH THE NORTH LINE OF SAID 30.00 FOOT STRIP AND TANGENT WITH THE WEST LINE OF THE EAST 30.00 FEET OF SAID EAST HALF, AND A PARCEL LYING NORTHEASTERSLY OF A CURVE, HAVING A RADIUS OF 25.00 FEET BEING TANGENT WITH THE SOUTH LINE OF SAID 30.00 FOOT STRIP AND TANGENT WITH THE WEST LINE OF THE EAST 30.00 FEET OF SAID EAST HALF.

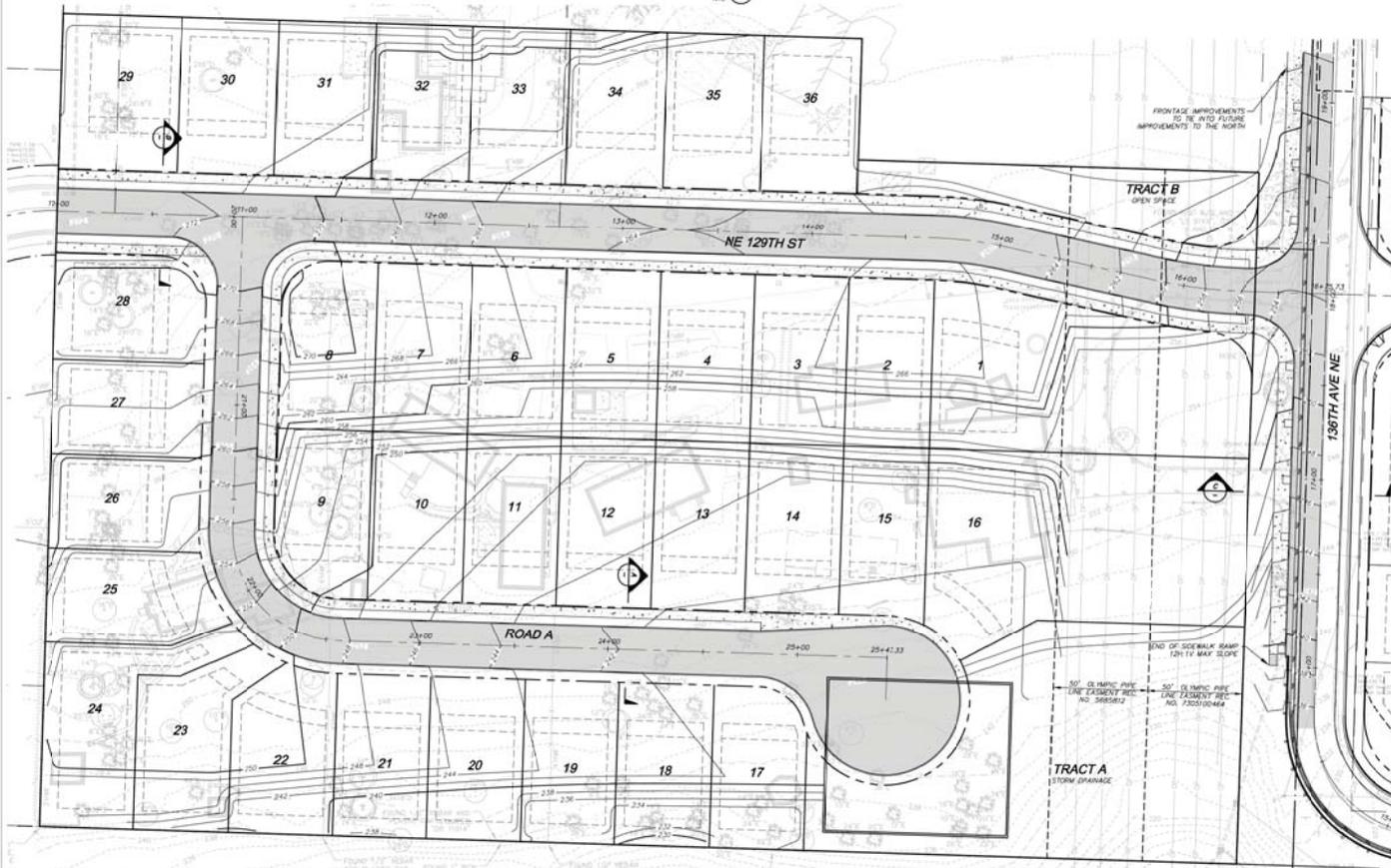
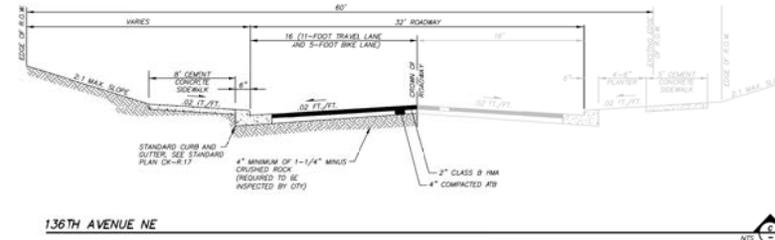
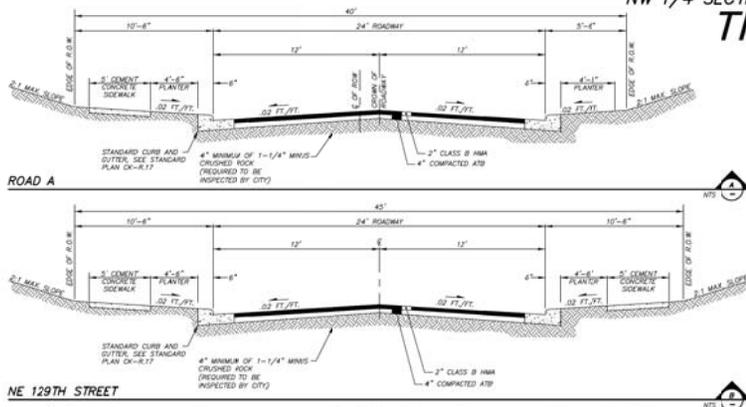
**VERTICAL DATUM:**  
 NAVD 88 PER CITY OF KIRKLAND VERTICAL CONTROL.  
**BENCHMARK:**  
 CITY OF KIRKLAND CONTROL POINT NUMBER 5.3.  
 FOUND 4"X4" CONCRETE MONUMENT WITH IRON IN LEAD PLUMB DOWN 0.7" IN MONUMENT CASE AT THE INTERSECTION OF 132ND AVENUE NE AND NE 128TH STREET, AND THE NORTHWEST CORNER OF SECTION 27-26-N-5-E. ELEVATION=310.8 FEET.  
 TEMPORARY BENCH MARK:  
 SET MARK IN UTILITY POLE ON THE SOUTHWEST FACE OF POLE, WITH ORANGE FLAGGING, LOCATED AT THE SOUTHWEST PORTION OF THE SITE, ON THE EASTSIDE, NORTH OF THE SOUTHWEST QUARTER TO HOUSE NUMBER 1200 138TH AVE NE. ELEVATION=345.00 FEET.

**SHEET INDEX:**  
 CS OF 9 COVER SHEET  
 C1 OF 9 CONCEPTUAL ROAD AND GRADING PLAN  
 C2 OF 9 CONCEPTUAL UTILITY PLAN  
 C3 OF 9 CONCEPTUAL ROAD PROFILES  
 C4 OF 9 CONCEPTUAL ROAD PROFILES  
 C5 OF 9 CONCEPTUAL ROAD PROFILES  
 C6 OF 9 TREE RETENTION PLAN  
 C7 OF 9 TREE REPLACEMENT PLAN



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NW 1/4 SECTION 27, TOWNSHIP 26 N, RANGE 5 E, W.M.  
**THE VINEYARDS**



**VERTICAL DATUM:**  
NAVD 88 FOR CITY OF KIRKLAND VERTICAL CONTROL.

**BENCHMARK:**  
CITY OF KIRKLAND CONTROL POINT NUMBER 03 FOUND 4"X4" CONCRETE MONUMENT WITH TACK IN LEAD PLUG COPY 0.7" IN MONUMENT CASE AT THE INTERSECTION OF 129TH AVENUE NE AND NE 129TH STREET AT THE NORTHWEST CORNER OF SECTION 27-28-5, ELEVATION=240.18 FEET.

**TEMPORARY BENCH MARK:**  
SET MAG NAIL IN STUDY POLE ON THE SOUTHWEST FACE OF POLE WITH GRANGE PLASCON, LOCATED AT THE SOUTHWEST PORTION OF THE SITE ON THE EASTSIDE, NORTH OF THE SOUTHWEST DRIVEWAY TO HOUSE NUMBER 13620 136TH AVE NE, ELEVATION=240.00 FEET.



**BASIS OF BEARINGS:**

N01°32'35"E BETWEEN THE MONUMENTS FOUND AT THE WEST QUARTER AND NORTHWEST QUARTER CORNER OF SECTION 27-28-5 FOR CITY OF KIRKLAND CONTROL POINTS 03 AND 07



**THE VINEYARDS**  
CONCEPTUAL ROAD AND GRADING PLAN  
12817 136TH AVENUE NE  
KIRKLAND, WASHINGTON

**HARBOUR HOMES, LLC**  
1441 N 34TH STREET, SUITE 200  
SEATTLE, WASHINGTON 98103  
(206) 315-8130



APP  
DATE REGION

DRAFTED BY: YLP  
DESIGNED BY: YLP  
PROJECT ENGINEER: MAJ  
DATE: 11.08.13  
PROJECT NO.: 13029

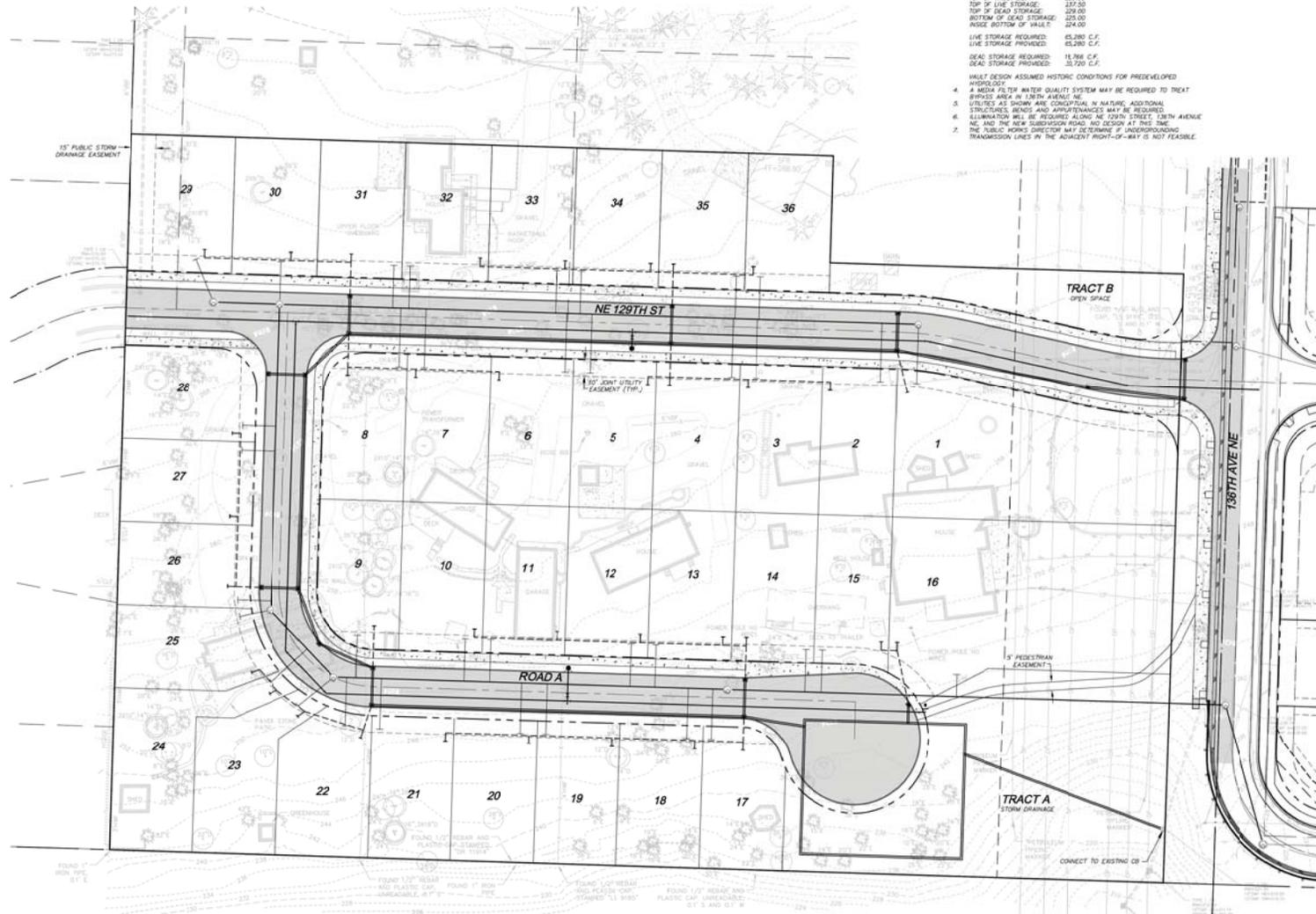
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SHEET: 2 OF 9

NW 1/4 SECTION 27, TOWNSHIP 26 N, RANGE 5 E, W.M.  
**THE VINEYARDS**



**UTILITY NOTES**

1. JOINT UTILITY EASEMENT ON ALL LOTS FRONTING RIGHT-OF-WAY.
2. SEWER DISTRICT IS NORTHSHORE UTILITY DISTRICT. WATER DISTRICT IS WICANVILLE WATER DISTRICT. LOW-GRADE/ST LOGS, UPPER FLOOR MUST GRAVITY AND INTERNAL DRAINAGE PUMPS ARE ALLOWED EX. ROAD; HOWEVER, WOULD PREFER ALL LEVELS TO GRAVITY IF FEASIBLE.
3. DETENTION VALVE SPECIFICATIONS:  
 PG. ON TOP OF VALVE: 241.00  
 TOP OF VALVE USE: 239.00  
 TOP OF LIVE STORAGE: 237.00  
 TOP OF DEAD STORAGE: 229.00  
 BOTTOM OF DEAD STORAGE: 225.00  
 INSIDE BOTTOM OF VALVE: 224.00  
 LIVE STORAGE REQUIRED: 65,280 C.F.  
 LIVE STORAGE PROVIDED: 65,280 C.F.  
 DEAD STORAGE REQUIRED: 15,780 C.F.  
 DEAD STORAGE PROVIDED: 32,200 C.F.  
 VAULT DESIGN ASSUMED HISTORIC CONDITIONS FOR PREDEVELOPED HYDROLOGY.  
 A MEDIA FILTER WATER QUALITY SYSTEM MAY BE REQUIRED TO TREAT BYPASS AREA IN 12TH AVENUE NE.  
 UTILITIES AS SHOWN ARE CONCEPTUAL IN NATURE, ADDITIONAL STRUCTURES, BENDS AND APPURTENANCES MAY BE REQUIRED.  
 ILLUMINATION WILL BE REQUIRED ALONG NE 129TH STREET, 128TH AVENUE NE, AND THE NEW SUBDIVISION ROAD. NO DESIGN AT THIS TIME.  
 THE PUBLIC WORKS DIRECTOR MAY DETERMINE IF UNDERGROUND TRANSMISSION LINES IN THE ADJACENT RIGHT-OF-WAY IS NOT FEASIBLE.
- 4.
- 5.
- 6.
- 7.



**THE VINEYARDS**  
CONCEPTUAL UTILITY PLAN  
12817 138TH AVENUE NE  
KIRKLAND, WASHINGTON

**HARBOUR HOMES, LLC**  
1441 N 34TH STREET, SUITE 200  
SEATTLE, WASHINGTON 98103  
(206) 315-8130



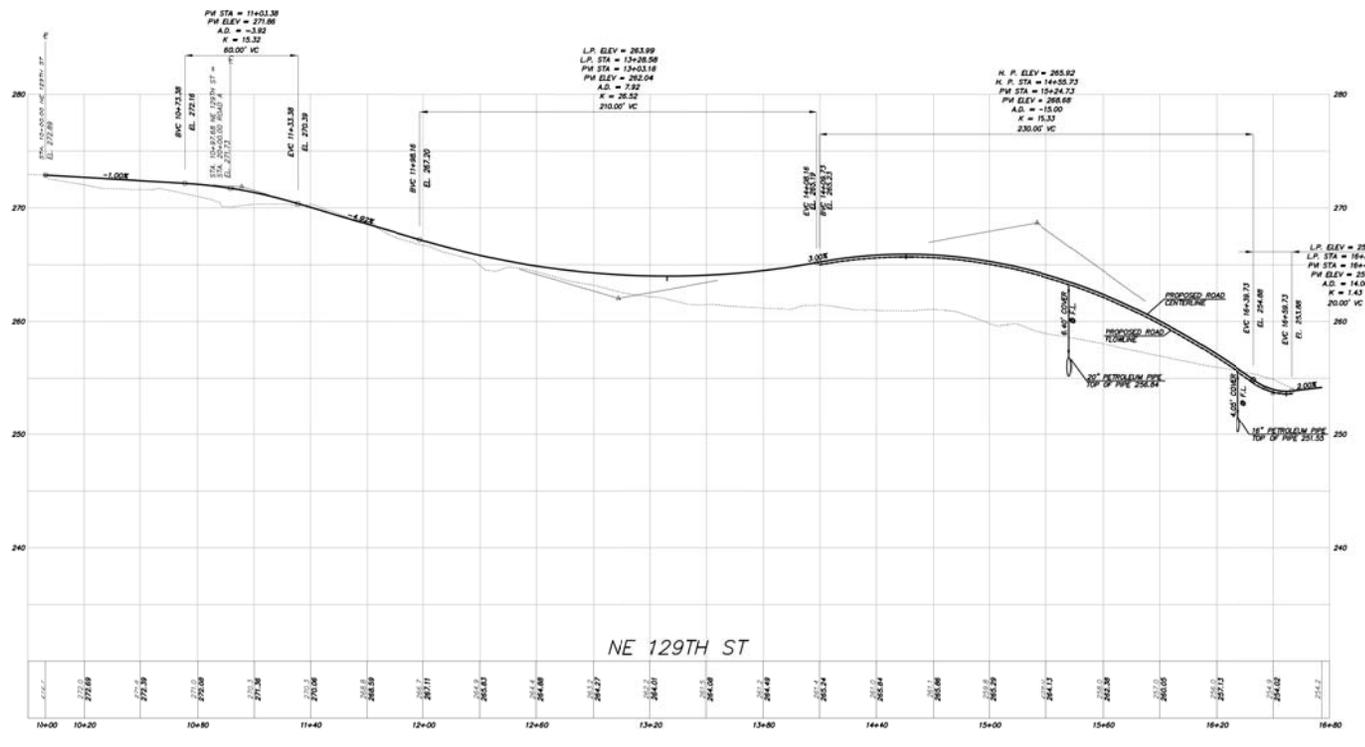
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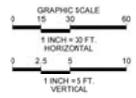
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DESIGNED BY: YLP  
PROJECT ENGINEER: MAJ  
DATE: 11.08.13  
PROJECT NO.: 13029

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SHEET: 3 OF 9

NW 1/4 SECTION 27, TOWNSHIP 26 N, RANGE 5 E, W.M.  
**THE VINEYARDS**



NE 129TH ST



**THE VINEYARDS**  
CONCEPTUAL ROAD PROFILES  
12817 136TH AVENUE NE  
KIRKLAND, WASHINGTON

**HARBOUR HOMES, LLC**  
1441 N 34TH STREET, SUITE 200  
SEATTLE, WASHINGTON 98103  
(206) 315-8130



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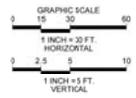
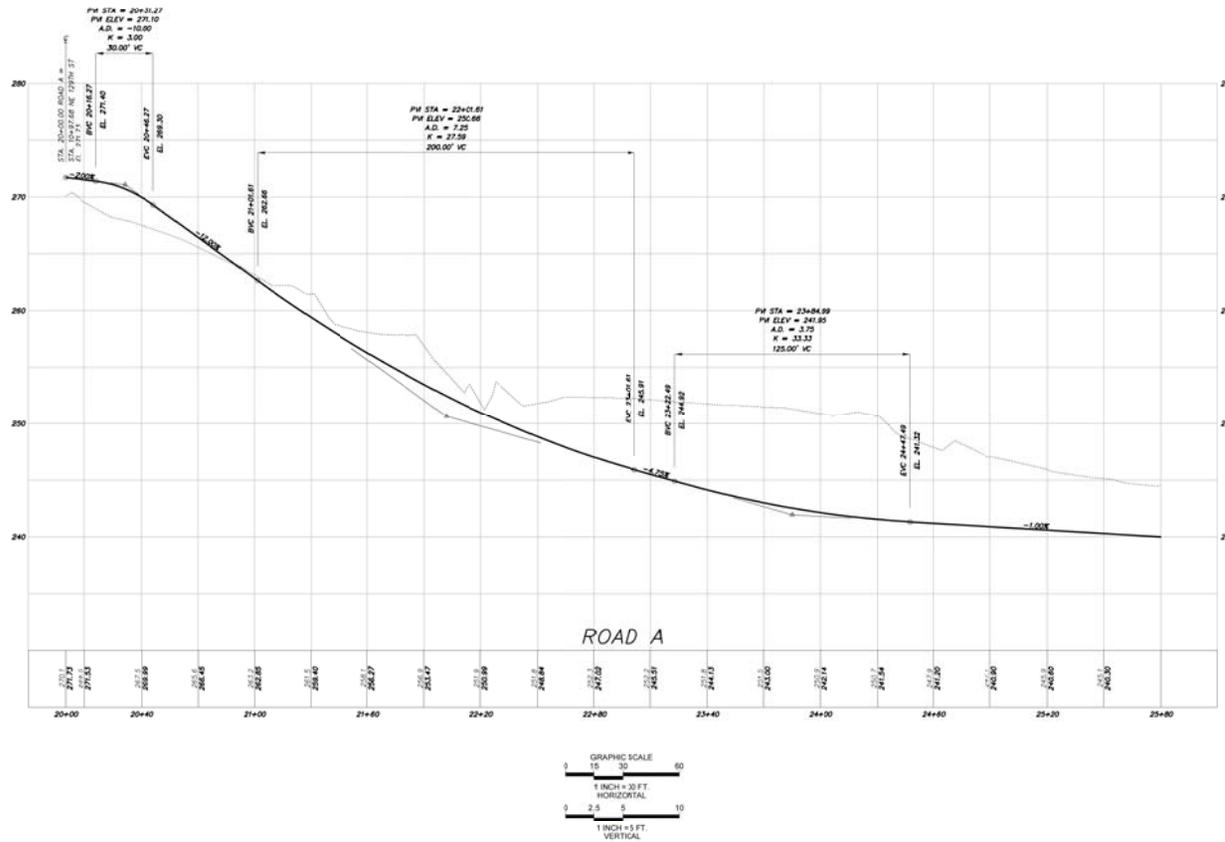
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DESIGNED BY: YLP  
PROJECT ENGINEER: MAJ  
DATE: 11.08.13  
PROJECT NO.: 13029

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SHEET: 4 OF 9

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NW 1/4 SECTION 27, TOWNSHIP 26 N, RANGE 5 E, W.M.  
**THE VINEYARDS**



**THE VINEYARDS**  
CONCEPTUAL ROAD PROFILES  
12817 136TH AVENUE NE  
KIRKLAND, WASHINGTON

**HARBOUR HOMES, LLC**  
1441 N 34TH STREET, SUITE 200  
SEATTLE, WASHINGTON 98103  
(206) 315-8130



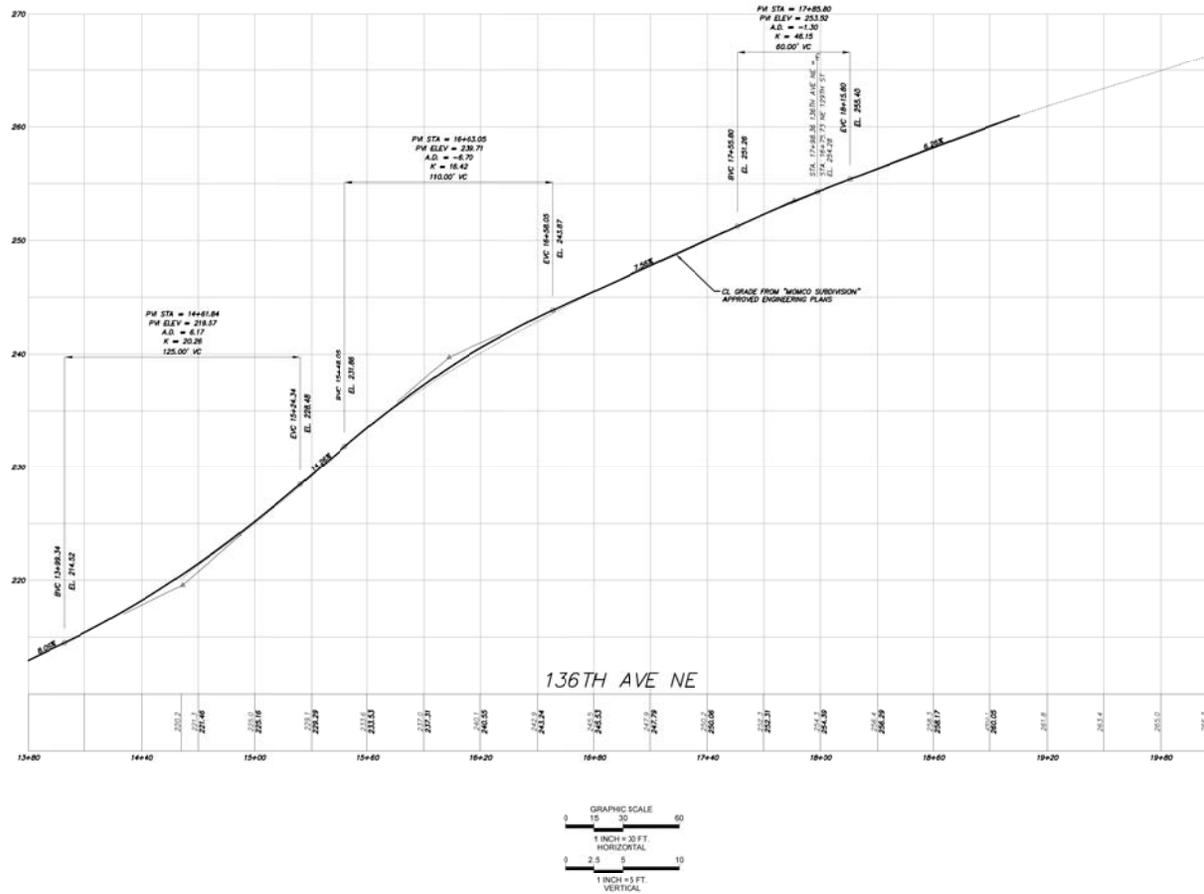
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DRAFTED BY: YLP  
DESIGNED BY: YLP  
PROJECT ENGINEER: MAJ  
DATE: 11.08.13  
PROJECT NO.: 13029

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SHEET: 5 OF 9

NW 1/4 SECTION 27, TOWNSHIP 26 N, RANGE 5 E, W.M.  
**THE VINEYARDS**



**THE VINEYARDS**  
CONCEPTUAL ROAD PROFILES  
12817 136TH AVENUE NE  
KIRKLAND, WASHINGTON

**HARBOUR HOMES, LLC**  
1441 N 34TH STREET, SUITE 200  
SEATTLE, WASHINGTON 98103  
(206) 315-8130



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DATE REGION

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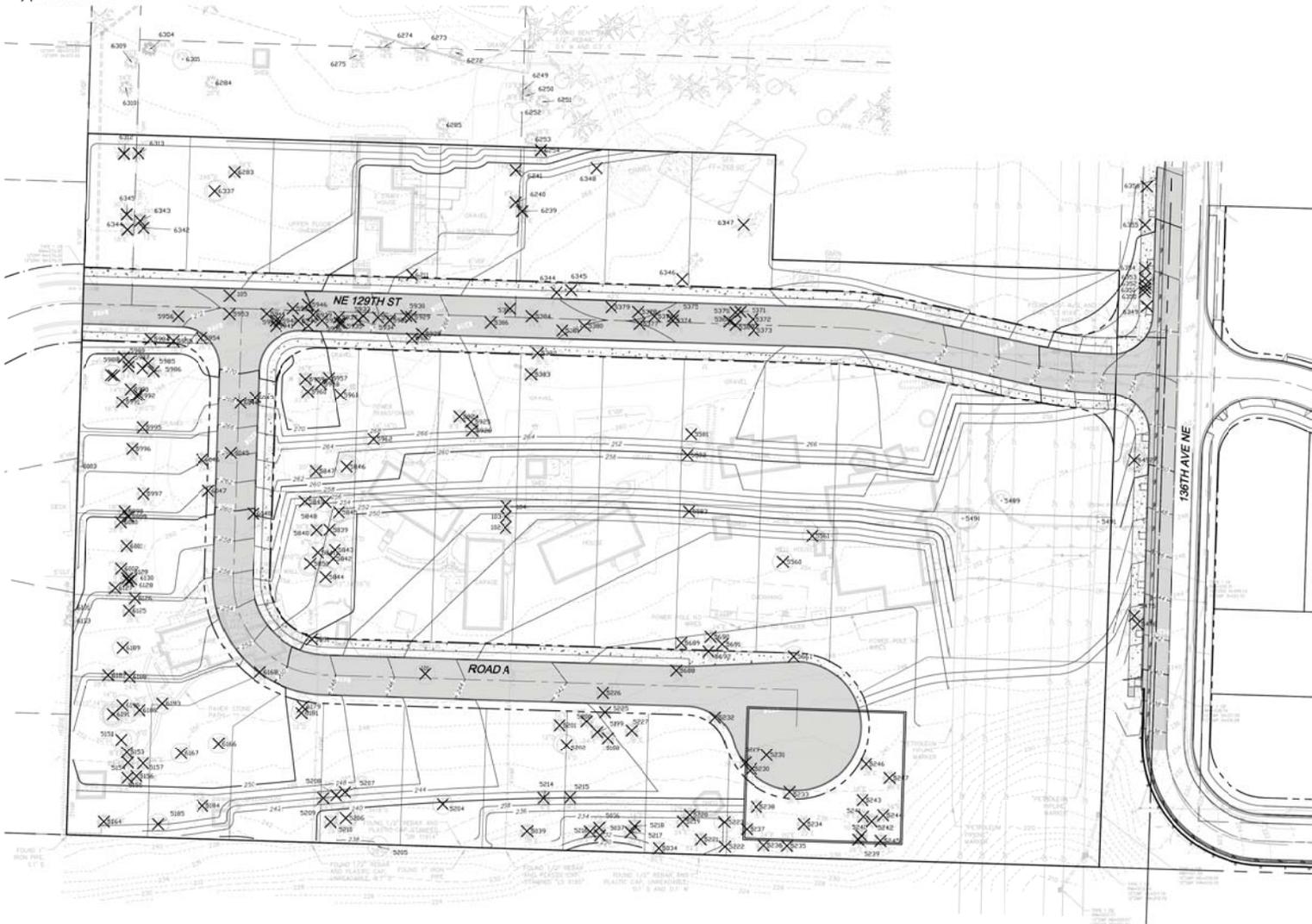
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NW 1/4 SECTION 27, TOWNSHIP 26 N, RANGE 5 E, W.M.  
**THE VINEYARDS**



- TREE REMOVAL NOTES**
1. ALL ON SITE TREES WILL BE REMOVED.
  2. TREE INFORMATION PER ARBORIST REPORT, "TREE INVENTORY AND ARBORIST REPORT", DATED SEPTEMBER 5, 2013 BY GREENFOREST, INC.
  3. ADDITIONAL TREES MAY HAVE BEEN LOCATED WITH SITE TOPOGRAPHIC SURVEY. NUMBERED TREES INDICATE SIGNIFICANT TREES PER ARBORIST ASSESSMENT.
- ✕ TREES TO BE REMOVED



**THE VINEYARDS**  
TREE RETENTION PLAN  
12817 136TH AVENUE NE  
KIRKLAND, WASHINGTON

**HARBOUR HOMES, LLC**  
1441 N 34TH STREET, SUITE 200  
SEATTLE, WASHINGTON 98103  
(206) 315-8130



DATE: \_\_\_\_\_  
REGION: \_\_\_\_\_  
APP: \_\_\_\_\_

DRAFTED BY: YLP  
DESIGNED BY: YLP  
PROJECT ENGINEER: MAJ  
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DRAWING: C7  
SHEET: 7 OF 9

NW 1/4 SECTION 27, TOWNSHIP 26 N, RANGE 5 E, W.M.  
**THE VINEYARDS**

TREE TABLE

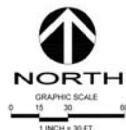
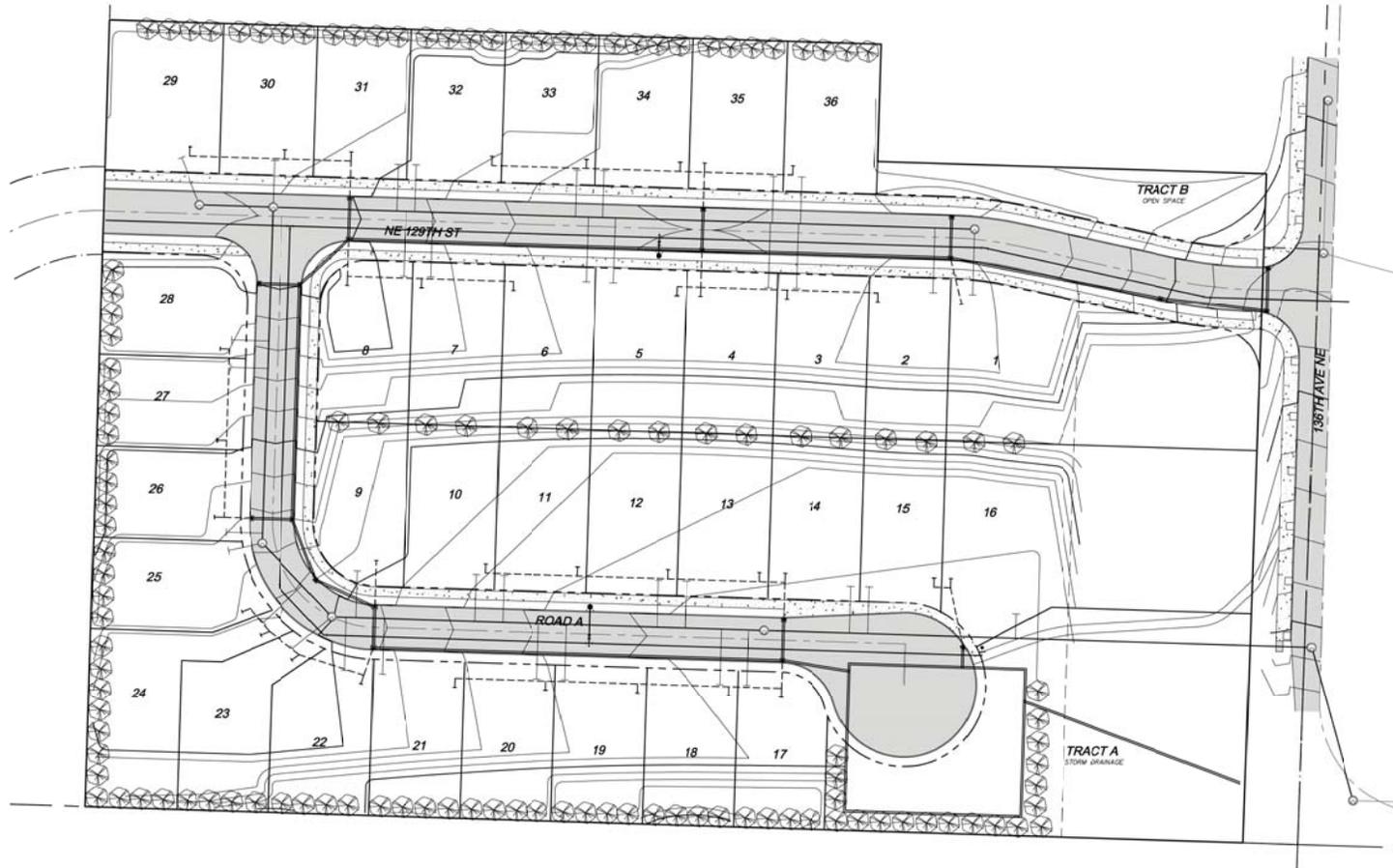
TREE CREDIT	NO.	DBH	SPECIES	CL.	HEALTH	STRUCTURE	NOTES
1	101	7	APRNL	8	2	1	APPLE SCAB FLEWIS
1	102	7	WHITE FIR	7	1	1	
2	103	12	SCOTS PINE	8	1	1	
1	104	6	NORWAY SPRUCE	4	2	1	APHID INJURY
10	105	28	DOUGLAS-FIR	16	1	1	
12	5034	22	WESTERN RED-CEDAR	12	1	1	
6	5036	20	DOUGLAS-FIR	16	1	1	
5	5037	18	DOUGLAS-FIR	14	1	3	LEANING INTO ADJACENT TREE
7	5039	22	DOUGLAS-FIR	16	1	1	
8	5051	20	BIGLEAF MAPLE	21	1	2	ASYMMETRIC CANOPY
1	5153	8	WESTERN RED-CEDAR	6	1	2	SNEEP IN TRUNK
8	5154	24	WESTERN RED-CEDAR	16	1	2	ASYMMETRIC CANOPY
4	5158	16	WESTERN RED-CEDAR	12	1	2	ASYMMETRIC CANOPY
5	5156	18	WESTERN RED-CEDAR	12	1	2	ASYMMETRIC CANOPY
14	5157	36	WESTERN RED-CEDAR	18	1	1	
12	5164	32	DOUGLAS-FIR	18	1	1	
17	5184	42	WESTERN RED-CEDAR	18	1	1	
12	5185	32	BIGLEAF MAPLE	25	1	1	
8	5196	24	WESTERN RED-CEDAR	18	1	1	
8	5199	24	DOUGLAS-FIR	15	1	1	
4	5200	16	DOUGLAS-FIR	14	1	1	
2	5201	12	DOUGLAS-FIR	16	1	2	ASYMMETRIC CANOPY
3	5202	14	BIGLEAF MAPLE	20	1	2	SAME TREE AS 5201, ASYMMETRIC
10	5204	28	BIGLEAF MAPLE	27	1	1	
5	5206	16 18 18 22	BIGLEAF MAPLE	25	1	3	WOOD DECAY IN TRUNK
10	5207	28 12	BIGLEAF MAPLE	22	1	2	DEAD
8	5208	24	BIGLEAF MAPLE	25	1	2	ASYMMETRIC CANOPY
8	5209	24	DOUGLAS-FIR	18	1	1	
8	5210	24	DOUGLAS-FIR	18	1	1	
1	5214	6	DOUGLAS-FIR	10	1	1	
1	5215	9	DOUGLAS-FIR	10	1	1	
3	5218	18	DOUGLAS-FIR	14	1	2	ASYMMETRIC CANOPY
6	5217	20	DOUGLAS-FIR	16	1	1	
3	5218	14	DOUGLAS-FIR	16	1	1	
8	5219	24	DOUGLAS-FIR	16	1	1	
3	5220	14	DOUGLAS-FIR	12	1	3	CRACK IN TRUNK
7	5221	22	DOUGLAS-FIR	16	1	1	
16	5222	40	BIGLEAF MAPLE	35	1	2	ASYMMETRIC CANOPY
9	5223	26	BIGLEAF MAPLE	18	1	2	ASYMMETRIC CANOPY
6	5225	20	DOUGLAS-FIR	14	1	1	
12	5226	32	DOUGLAS-FIR	18	1	1	
14	5227	36	DOUGLAS-FIR	18	1	1	
14	5229	36	DOUGLAS-FIR	20	1	1	
7	5230	22	DOUGLAS-FIR	14	1	1	
1	5231	9	CHERRY	12	1	1	
14	5232	36	WESTERN RED-CEDAR	14	1	1	
14	5233	36	DOUGLAS-FIR	16	1	1	
7	5234	22	DOUGLAS-FIR	16	1	1	
6	5235	20	DOUGLAS-FIR	14	1	1	
8	5236	24	DOUGLAS-FIR	14	1	1	
6	5237	20	DOUGLAS-FIR	16	1	1	
3	5238	15	DOUGLAS-FIR	12	1	1	
9	5239	26	DOUGLAS-FIR	18	1	2	ASYMMETRIC CANOPY
1	5240	10	DOUGLAS-FIR	8	1	3	ODDING RESIN, CANKERS ON TRUNK
5	5241	18	DOUGLAS-FIR	14	1	1	
6	5242	20	DOUGLAS-FIR	16	1	1	
5	5243	18	DOUGLAS-FIR	16	1	3	BROKEN TOP
13	5244	34	DOUGLAS-FIR	18	1	1	
7	5245	22	DOUGLAS-FIR	16	1	1	
10	5246	28	WESTERN RED-CEDAR	16	1	1	
20	5247	48	WESTERN RED-CEDAR	16	1	1	
14	5269	36	WESTERN RED-CEDAR	18	1	2	ASYMMETRIC CANOPY
4	5272	16	BIGLEAF MAPLE	18	1	2	ASYMMETRIC CANOPY
14	5277	36	WESTERN RED-CEDAR	18	1	2	DECLINING WOOD/HEALTH, IVY
2	5280	12	BIGLEAF MAPLE	18	1	3	WOOD DECAY IN TRUNK
11	5281	30	DOUGLAS-FIR	18	1	1	
14	5282	36	DOUGLAS-FIR	18	1	2	DEAD HANGING/BROKEN BRANCHES
12	5283	32	DOUGLAS-FIR	18	1	2	DEAD HANGING/BROKEN BRANCHES
5	5285	18	DOUGLAS-FIR	16	1	1	
11	5286	30	DOUGLAS-FIR	20	1	3	ODD LED IN UPPER TRUNK
1	5488	8	APPLE	8	1	1	
1	5490	6	ARBUTUS UNEDO	5	1	1	
1	5491	6	APPLE	10	2	2	DISEASED
1	5560	8	ITALIAN PRINC	6	1	1	DISEASED
1	5561	6	PAPER BARK MAPLE	7	1	1	DISEASED
1	5581	8	APPLE	8	2	1	DISEASED
1	5582	6	FLOWERING CHERRY	6	2	2	DISEASED
1	5658	6	ALDER	6	1	1	DISEASED
7	5667	6	DOGWOOD	10	1	1	
8	5688	24	DOUGLAS-FIR	16	1	1	
14	5689	36	WESTERN RED-CEDAR	18	1	1	
8	5690	24	WESTERN RED-CEDAR	14	1	1	
9	5691	26	WESTERN RED-CEDAR	16	1	1	
10	5692	28	WESTERN RED-CEDAR	18	1	1	
3	5839	14	BIGLEAF MAPLE	16	1	2	IVY COVERING TRUNK
14	5840	36	DOUGLAS-FIR	18	1	1	IVY COVERING TRUNK
1	5841	6	BIGLEAF MAPLE	8	1	2	SUPPRESSED IVY
3	5842	14	BIGLEAF MAPLE	18	1	2	ASYMMETRIC CANOPY
3	5843	12 14	BIGLEAF MAPLE	18	1	3	MULTIPLE LEADER/IVY
4	5844	10 14 16	BIGLEAF MAPLE	20	1	2	ASYMMETRIC CANOPY
4	5845	2 10 18	BIGLEAF MAPLE	16	1	2	ASYMMETRIC CANOPY
5	5846	10 14 16 18	BIGLEAF MAPLE	21	1	2	MULTIPLE LEADERS
6	5847	20	DOUGLAS-FIR	16	1	1	IVY COVERING TRUNK
1	5848	10	BIGLEAF MAPLE	14	1	2	IVY COVERING TRUNK
2	5849	12	BIGLEAF MAPLE	14	1	2	CRACK IN TRUNK
1	5850	10 10	BIGLEAF MAPLE	16	1	3	TOP HALF OF TREE IS DEAD

TREE TABLE (SEE NOTE)

TREE CREDIT	NO.	DBH	SPECIES	CL.	HEALTH	STRUCTURE	NOTES
1	5851	8	PORTULACA LAUREL	8	1	1	
1	5824	8	NORWAY SPRUCE	6	2	1	NEEDLES THIN FROM APHD INJURY
1	5825	8	NORWAY SPRUCE	4	1	1	
2	5826	12	NORWAY SPRUCE	6	1	2	TREE LEANS NORTH, SELF-CORRECTED LEAN
14	5827	36	DOUGLAS-FIR	24	1	2	ASYMMETRIC CANOPY
16	5828	40	DOUGLAS-FIR	24	1	2	ASYMMETRIC CANOPY
8	5825	24	DOUGLAS-FIR	16	1	1	
2	5835	13	DOUGLAS-FIR	12	1	2	
2	5837	12	DOUGLAS-FIR	8	1	2	SUPPRESSED GROWTH/ASOR
11	5830	20	DOUGLAS-FIR	16	1	1	
7	5831	22	DOUGLAS-FIR	12	1	1	
1	5834	8	DOUGLAS-FIR	4	1	3	SUPPRESSED GROWTH/ASOR
1	5835	8	DOUGLAS-FIR	4	1	3	SUPPRESSED GROWTH/ASOR
1	5836	8	DOUGLAS-FIR	12	1	3	SUPPRESSED GROWTH/ASOR
5	5837	18	DOUGLAS-FIR	14	1	2	SUPPRESSED GROWTH/ASOR
5	5838	18	DOUGLAS-FIR	16	1	1	
9	5835	26	DOUGLAS-FIR	18	1	1	
2	5846	12	DOUGLAS-FIR	12	1	2	SUPPRESSED GROWTH/ASOR
1	5841	10	DOUGLAS-FIR	10	1	3	SUPPRESSED INTERNAL DECAY
2	5842	13	DOUGLAS-FIR	14	1	2	ASYMMETRIC CANOPY
5	5843	18	DOUGLAS-FIR	16	1	2	ASYMMETRIC CANOPY
6	5844	20	DOUGLAS-FIR	16	1	1	
2	5845	12	DOUGLAS-FIR	12	1	2	SUPPRESSED GROWTH/ASOR
1	5846	10	DOUGLAS-FIR	12	1	2	SUPPRESSED GROWTH/ASOR
10	5853	28	DOUGLAS-FIR	18	1	1	
9	5854	26	DOUGLAS-FIR	16	1	1	
5	5855	18	DOUGLAS-FIR	16	1	3	TRUNK DECAY VISIBLE IN OPEN WOUND
9	5856	26	DOUGLAS-FIR	18	1	1	
10	5857	28	DOUGLAS-FIR	18	1	2	ASYMMETRIC CANOPY
11	5858	30	DOUGLAS-FIR	18	1	2	ASYMMETRIC CANOPY, IVY COVERING TRUNK
9	5855	26	DOUGLAS-FIR	18	1	2	ASYMMETRIC CANOPY, IVY COVERING TRUNK
7	5865	22	DOUGLAS-FIR	18	1	2	ASYMMETRIC CANOPY
5	5861	18	BIGLEAF MAPLE	21	1	2	ASYMMETRIC CANOPY, IVY COVERING TRUNK
4	5862	14 16	BIGLEAF MAPLE	20	1	3	MULTIPLE LEADERS, IVY
8	5865	24	WESTERN RED-CEDAR	18	1	1	
1	5886	10	WESTERN RED-CEDAR	10	1	2	ASYMMETRIC CANOPY
3	5887	14	WESTERN RED-CEDAR	14	1	2	ASYMMETRIC CANOPY
3	5888	14	WESTERN RED-CEDAR	14	1	2	ASYMMETRIC CANOPY
4	5885	16	WESTERN RED-CEDAR	14	1	2	ASYMMETRIC CANOPY
3	5895	14	WESTERN RED-CEDAR	12	1	1	
4	5899	16	WESTERN RED-CEDAR	16	1	2	ASYMMETRIC CANOPY
1	5992	10	BIGLEAF MAPLE	21	1	3	WOOD DECAY IN TRUNK
7	5993	22	DOUGLAS-FIR	14	1	1	
14	5998	36	DOUGLAS-FIR	16	1	1	
5	5992	18	DOUGLAS-FIR	16	1	1	
8	5996	18	DOUGLAS-FIR	16	1	2	ASYMMETRIC CANOPY
4	5995	16	DOUGLAS-FIR	16	1	2	ASYMMETRIC CANOPY
8	6002	26	DOUGLAS-FIR	18	1	1	
14	6001	36	DOUGLAS-FIR	18	1	1	
1	6003	7	DOUGLAS-FIR	6	1	2	ASYMMETRIC CANOPY
1	6003	8	DOUGLAS-FIR	6	1	1	
5	6043	18	DOUGLAS-FIR	14	1	1	
5	6044	18	DOUGLAS-FIR	24	1	3	WOOD DECAY IN TRUNK
6	6045	20	BIGLEAF MAPLE	24	1	2	INCLUDED BARK AT ATTACHMENTS
8	6046	24	DOUGLAS-FIR	18	1	1	
1	6047	7	WESTERN RED-CEDAR	6	1	1	
10	6048	28	DOUGLAS-FIR	20	1	2	IVY COVERING TRUNK
9	6125	26	DOUGLAS-FIR	16	1	1	
4	6126	16	DOUGLAS-FIR	12	1	1	
16	6127	40	DOUGLAS-FIR	22	1	1	
3	6128	14	DOUGLAS-FIR	8	1	2	SUPPRESSED GROWTH/ASOR
1	6129	8	DOUGLAS-FIR	6	1	2	ASYMMETRIC CANOPY
2	6130	12	DOUGLAS-FIR	8	1	2	ASYMMETRIC CANOPY
1	6131	10	DOUGLAS-FIR	6	1	3	ODD LED IN UPPER TRUNK
1	6166	10	APPLE	12	2	1	DISEASED
1	6167	10	APPLE	8	2	1	DISEASED
1	6168	8	BLUE ATLAS CEDAR	7	2	1	DISEASED
1	6179	10	BIRCH	8	1	3	TOP TREE IS DEAD AND BROKEN
1	6181	10	BIRCH	12	1	3	TOP TREE IS DEAD AND BROKEN
14	6186	36	DOUGLAS-FIR	20	1	1	
10	6187	28	WESTERN RED-CEDAR	14	1	1	
8	6188	24	DOUGLAS-FIR	18	1	2	SNEEP IN TRUNK
4	6189	16	CHERRY	16	1	1	
3	6190	14	BIGLEAF MAPLE	20	1	1	
2	6197	10 TO 14 14	BIGLEAF MAPLE	25	1	2	ASYMMETRIC CANOPY
1	6193	8	FLOWERING CHERRY	12	1	3	TRUNK IS INFESTED WITH GBT
1	6211	8	ALDER	14	1	2	ASYMMETRIC CANOPY
1	6242	8	BLACK PINE	8	1	3	ASYMMETRIC CANOPY
3	6241	14	SCOTS PINE	10	1	2	ASYMMETRIC CANOPY
1	6252	8	SWEETGUM	8	1	2	ASYMMETRIC CANOPY
4	6272	16	DOUGLAS-FIR	16	1	1	
8	6273	24	DOUGLAS-FIR	18	1	1	
7	6275	22	DOUGLAS-FIR	18	1	1	
11	6282	30	DOUGLAS-FIR	25	1	1	
6	6284	20	DOUGLAS-FIR	16	1	1	
10	6285	28	DOUGLAS-FIR	18	1	1	
1	6304	6	HOLY	10	1	1	
1	6303	6	ALDER	12	1	2	TREE LEANS WEST, SELF CORRECTED
11	6313	30	DOUGLAS-FIR	18	1	1	
1	6337	6	MARTHORNE	10	1	1	
2	6342	12	DOUGLAS-FIR	16	1	2	

NW 1/4 SECTION 27, TOWNSHIP 26 N, RANGE 5 E, W.M.  
**THE VINEYARDS**

**TREE REPLACEMENT NOTES:**  
 120 REPLACEMENT TREES ARE REQUIRED TO BE INSTALLED.  
 TOTAL LOT AREA: 77,800 S.F. = 4.08 ACRES  
 4.08 X .30 = 122 REPLACEMENT TREES  
 RECOMMENDED TREES FOR REPLACEMENT:  
 47 MEDIUM TREE CROWN  
 41 DECIDUOUS TREES



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**THE VINEYARDS**  
 TREE REPLACEMENT PLAN  
 12817 138TH AVENUE NE  
 KIRKLAND, WASHINGTON

**HARBOUR HOMES, LLC**  
 1441 N 34TH STREET, SUITE 200  
 SEATTLE, WASHINGTON 98103  
 (206) 315-8130



DATE: REGION: APP:

DRAFTED BY: YLP  
 DESIGNED BY: YLP  
 PROJECT ENGINEER: MAJ  
 DATE: 11.08.13  
 PROJECT NO.: 13029

DRAWING: C9  
 SHEET: 9 OF 9

# DRAFT



## KIRKLAND HEARING EXAMINER June 18, 2014

### 1. CALL TO ORDER (7:00 PM)

Hearing Examiner Sue Tanner called the hearing to order at 7:00 p.m.

Hearing Examiner Sue Tanner opened the hearing, provided the project address, 12817 136th Avenue NE; 13407, 13419, 13505 NE 129th Street and 13511 NE 129th Pl., and the file number, SUB13-02088, and described hearing procedures.

### 2. PUBLIC HEARINGS (7:01 PM)

A. Meritage Ridge 36 Lot Preliminary Plat, FILE NO.: SUB13-02088, ADDRESS: 12817 136th Avenue NE; 13407, 13419, 13505 NE 129th Street & 13511 NE 129th Place

Ms. Tanner swore in Tony Leavitt, Associate Planner. Mr. Leavitt submitted the following exhibit which Ms. Tanner entered into the record:

B. Five additional citizen letters

Mr. Leavitt presented and relayed staff's recommendation. Mr. Thang Nguyen, Transportation Engineer, was also available for discussion.

Applicant Ms. Tanner swore in the Applicant, Mayer Bouji, D R Strong Consulting Engineers.

Public Testimony Ms. Tanner swore in all at once the audience members that were providing testimony tonight.

Kathryn and Keith O'Neil, 12822 133rd Place NE, Kirkland.

Kevin Smith, 12930 133rd Place NE, Kirkland

Elaine Berryman, 12924 133rd Place NE, Kirkland.

Lara Sosnosky, 12909 133rd Place NE, Kirkland.

Jack Berryman, 12924 133rd Place NE, Kirkland. Ms. Tanner entered the following documents into the record: Exhibit C: Photographs Exhibit D. Additional citizen letters

Luanna Chandler, 13215 NE 129th Place, Kirkland.

Tom McGowan, 13112 132nd Place NE, Kirkland.

Kim Chandler, 13215 NE 129th Place, Kirkland.

Bob and Lisa Hedrick, 13016 133rd Place NE, Kirkland.

Jeff Parks, 12936 133rd Place NE, Kirkland.

Liz Parks, 12936 133rd Place NE, Kirkland.

# DRAFT

Frankie Bottinelli, 13215 NE 130th Place, Kirkland.

Tim Su, 12910 NE 133rd Place NE, Kirkland.

Staff Response Mr. Leavitt responded to comments made during public testimony. Ms. Tanner swore in Transportation Engineer, Thang Nguyen. Mr. Nguyen addressed comments made during public testimony.

Ms. Tanner swore in Rob Jammerman. Development Engineering Manager. He addressed comments made during public testimony.

## Applicant Response

There was no response from the Applicant

Ms. Tanner

### 3. ADJOURNMENT

Ms. Tanner closed the hearing and adjourned the meeting at 8:23 p.m.

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Planning Staff

RECEIVED

JUN 27 2014

**CITY OF KIRKLAND  
HEARING EXAMINER FINDINGS,  
CONCLUSIONS AND DECISION**

AM  
PLANNING DEPARTMENT PM  
BY \_\_\_\_\_

**APPLICANT:** Harbor Homes LLC

**FILE NO:** SUB13-02088

**APPLICATION:**

1. Site Location: 12817 136<sup>th</sup> Avenue NE, 13407, 13419 & 13505 NE 129<sup>th</sup> Street, and 13511 NE 129<sup>th</sup> Place
2. Request: To subdivide five parcels into 36 lots with access provided via a new access road from 136<sup>th</sup> Avenue NE which connects to the existing NE 129<sup>th</sup> Street right-of-way to the west of the plat to create a new through road
3. Review Process: Process IIA, the Hearing Examiner conducts a public hearing and makes a final decision on the preliminary subdivision
4. Key Issues: Compliance with applicable subdivision criteria and development regulations

**RECOMMENDATION:**

Department of Planning and Community Development Approve with conditions

**PUBLIC HEARING:**

The Hearing Examiner held a public hearing on the preliminary subdivision application on June 18, 2014, in the Council Chambers, City Hall, 123 Fifth Avenue, Kirkland, Washington. A verbatim recording of the hearing is available at the City Clerk's office and on the City of Kirkland website. The minutes of the hearing and the exhibits are available for public inspection in the Department of Planning and Community Development. The Examiner visited the site in advance of the hearing.

**TESTIMONY AND PUBLIC COMMENT:**

A list of those who testified at the public hearing, and a list of the exhibits offered at the hearing are included at the end of this Recommendation. The testimony is summarized in the hearing minutes.

## **FINDINGS AND CONCLUSIONS:**

Having considered the evidence in the record and inspected the site, the Hearing Examiner enters the following:

### **Findings of Fact**

#### Site and Vicinity

1. The site is located in the Kingsgate neighborhood and, following a proposed lot line alternation with property to the north (Vintner's West Plat and PUD), will be 260,327 square feet (4.69 acres) in area. It is presently developed with five single-family residences and accessory structures that are proposed for removal. Puget Sound Energy transmission lines and the underground Olympic pipeline cross the eastern part of the site.
2. The site is zoned RSA 8, a single-family residential zone with a maximum density of 8 units per acre and a minimum lot size of 3,800 square feet.
3. The site slopes up steeply from south to north and is designated as a high landslide hazard area on the City's Sensitive Area Maps. It includes 198 significant trees (6 inches or more diameter at breast height).
4. To the north and west is RSA 8 zoning and existing or planned single-family development; to the east is RSA 6 zoning and several new single-family developments; and to the south is TL 7 zoning, part of which is developed with an industrial park.
5. NE 129<sup>th</sup> Street presently extends from 136<sup>th</sup> Avenue NE, an arterial, through the site to its western boundary. Properties to the west of the proposed subdivision consist of three subdivisions approved by King County. The northernmost plat, Totem Vista, was approved in 1978 and included dedication of 133<sup>rd</sup> Place NE, a new road off of NE 132 Street, to serve the plat and future development to the south. The Wethersfield plat to the south of Totem Vista was approved in 1980 and continued 133<sup>rd</sup> Place NE to the south boundary of the plat. In 1986, the Meadow View plat was approved to the south of Wethersfield and continued 133<sup>rd</sup> Place NE to the south, where it terminates in a cul-de-sac. North of the cul-de-sac, Wethersfield includes a spur road, NE 129<sup>th</sup> Street, that extends to the east boundary of the property. *See Exhibit A, Staff Advisory Report, Attachment 10.*

#### Proposal

6. The applicant proposes to divide the five existing parcels into 48 single-family lots, all of which would meet the minimum lot size, with access provided from 136<sup>th</sup> Avenue NE via NE 129<sup>th</sup> Street. NE 129<sup>th</sup> Street would be extended to connect to the NE 129<sup>th</sup> Street right-of-way to the west, thereby creating a through road from 133<sup>rd</sup> Place NE to 136<sup>th</sup> Avenue NE. The road would be designed as a neighborhood access road

with a curb to curb width of 24 feet. A private access road within the plat, "Road A" would provide access from NE 129<sup>th</sup> Street to some of the proposed lots.

7. As part of its SEPA review of the proposal, the Public Works Department recommended that the Applicant install traffic calming measures on NE 129<sup>th</sup> Street and stop signs at the intersections with 136<sup>th</sup> Avenue NE and 133<sup>rd</sup> Place NE to discourage cut-through traffic and speeding.

8. Pursuant to KZC 95.30.6.a, the applicant is proposing phased review of tree retention on the property and submitted an arborist report and tree inventory, which were reviewed and confirmed by the City's Urban Forester. There are 172 viable trees on the site. Twenty are of High Retention Value, 84 are of Moderate Retention Value, and 68 are of Low Retention Value.

9. The applicant submitted a geotechnical report pursuant to KZC 85.15.3. The report concludes that construction of the proposed development is feasible from a geotechnical standpoint and includes recommendations for site development. Exhibit A, Attachment 9.

10. The applicant has not submitted letters of water and sewer service availability, but the Development Standards include a requirement for both letters. Exhibit A, Attachment 3, page 35.

#### State Environmental Policy Act and Traffic Concurrency

11. The traffic impact analysis (TIA) and revised supplemental TIA for the proposal are included in Exhibit A as Attachment 6, Enclosures 4 and 5. The supplement was done to evaluate the traffic impacts of the NE 129<sup>th</sup> Street connection.

12. A traffic count and a speed survey were conducted on 133<sup>rd</sup> Place NE. Approximately 665 trips per day and 66 PM peak hour trips occur north of NE 130<sup>th</sup> Place, and 340 trips per day and 34 PM peak hour trips occur south of NE 130<sup>th</sup> Place. The speed survey showed an average speed of 21 mph and no pattern of speeding. Exhibit A, Attachment 6, Enclosure 5 at 2.

13. Trip generation in the TIA and supplemental TIA is calculated using the average trip rates in the Institute of Transportation Engineers Trip Generation for Single-Family Detached Housing, which account for all site trips made by all vehicles for all purposes. Trip distribution is based on the concurrency model output provided by the City in its Traffic Impact Analysis Guidelines.

14. The TIA shows that approximately 86 daily project-generated trips would travel on NE 129<sup>th</sup> Street to 133<sup>rd</sup> Place NE and then to NE 132<sup>nd</sup> Street, and that approximately 164 daily trips from homes served by 133<sup>rd</sup> Place NE would now use NE 129<sup>th</sup> Street, through the proposed development, to access 136<sup>th</sup> Avenue NE. In a worst case scenario 9 project-generated PM peak hour trips may use 133rd Place NE, and in the best case, 11

PM peak hour trips from 133rd Place NE would reroute to the NE 129<sup>th</sup> Street connection. Exhibit A, Attachment 6, Enclosure 5.

15. Public Works and Fire staff determined that the widths of the existing and proposed rights-of-way for NE 129<sup>th</sup> Street are adequate for both normal and emergency vehicle traffic.

16. The Public Works Director has recommended that the NE 129<sup>th</sup> Street connection be required as part of the proposed plat in order to provide even traffic distribution, as well as a secondary access for emergency vehicles to residences in both the existing and proposed plats.

17. The City's Transportation Engineer concluded that traffic from the proposed subdivision and the NE 129<sup>th</sup> Street road connection will not have a significant adverse impact on 133<sup>rd</sup> Place NE and the neighborhoods to the west.

18. The application passed Traffic Concurrency on October 14, 2013. Pursuant to the State Environmental Policy Act (SEPA), the Department issued a Determination of Nonsignificance (DNS) for the proposal on May 13, 2014. Neither the DNS nor the concurrency test notice was appealed.

#### Public Comment

19. During the comment period on the application, the Department received 18 comment letters and emails, and a petition signed by numerous residents of the subdivisions to the west of the proposed plat. Many comments opposed the proposed NE 129<sup>th</sup> Street connection due to the narrowness and the sharp turn on the existing stub road, potential impacts to homes near the new intersection with NE 133<sup>rd</sup> Place NE, and the potential for cut-through traffic and resulting impacts to NE 133<sup>rd</sup> Place and residents who use the street. One letter, from BERPS Associates, expressed concern with the proposed development's conveyance of stormwater to a private stormwater system. *See Exhibit A, Attachments 4 and 5.*

20. Testimony and comment letters received at the hearing largely mirrored those in the comment letters received by the Department. *See Exhibits B, C and D.* Some residents who use 133<sup>rd</sup> Place NE indicated that there is presently a periodic problem with speeding in the neighborhood and asked that speed bumps be installed on 133<sup>rd</sup> Place NE. Others emphasized that the neighborhood "won't put up with speeding". Several mentioned that children play and ride bicycles in the street because it is safe to do so and asked how the impacts of the development on their neighborhood would be mitigated. One neighbor asked for crosswalks at the new intersections on NE 129<sup>th</sup> Street. Several residents near NE 132<sup>nd</sup> Street mentioned the difficulty they presently have in getting out of their driveways because of the traffic backed up at the stop sign to turn from 133<sup>rd</sup> Place NE onto NE 132<sup>nd</sup> Street. Overall, the testimony and letters expressed frustration at the pressures from the recent spike in development in the area.

21. Some neighbors who testified expressed concern that everyone in the neighboring subdivisions to the west was not notified of the application and hearing on the proposed subdivision.

22. A comment letter from the owners of much of the land that will be sold for the proposed development stated that they had watched open fields and trees be transformed into the three plats now developed to the west of the proposed project. They noted that with each plat, a road was stubbed out for connection to the next new development and asserted that the connection of NE 129<sup>th</sup> Street should therefore come as no surprise to the neighborhood. Exhibit B.

23. A letter from the attorney for BERPS Associates reports that they have reached agreement with the applicant on the stormwater issues raised in their earlier letter, and that they are working with the City to address a separate stormwater issue. Exhibit B.

#### Comprehensive Plan

24. The Comprehensive Plan Land Use Map designates the subject property for low density residential use, with a density of eight dwelling units per acre.

25. Comprehensive Plan Policy T-4.3 states that the City should "maintain a system of arterials, collectors, and local access streets that forms an interconnected network for vehicular circulation." Under this policy, the Plan explains that "[t]raffic spread over a 'grid' of streets, which is designed appropriate to neighborhood and system needs, flows smoothly. Kirkland has a number of existing cul-de-sacs, which help to create quiet and private residential areas. At the same time, however, cul de sacs and dead ends result in uneven traffic distribution and benefit some at the expense of others." Comprehensive Plan at IX-13.

26. Comprehensive Plan Policy T-4.5 states that the City should "maintain and improve convenient access for emergency vehicles," and that "an interconnected street network is the best way to achieve direct access." *Id.*

27. Comprehensive Plan Policy T-1.2 states that the City should "[m]itigate adverse impacts of transportation systems and facilities on neighborhoods." The policy recognizes that "[t]ransportation systems and facilities can have adverse impacts on neighborhoods," such as "[s]afety problems due to speeding vehicles and increasing traffic volumes," "[i]ncreased traffic resulting from drivers seeking alternate routes to congested arterials," "and/or [a]ir and noise pollution." The policy states that a combination of techniques should be used to avoid or mitigate these impacts, including "[d]eveloping and implementing neighborhood appropriate street design standards," "[c]reating an interconnected system of streets to distribute the traffic load and lessen the burden on any given street," and "[a]voiding connections through residential neighborhoods when they will create new routes for commercial/industrial traffic or bypass routes for I-405." Comprehensive Plan at X-8.

28. Comprehensive Plan Policy T-4.4 addresses minimizing "bypass traffic and safety impacts on neighborhood streets." It acknowledges that "[c]ut-through traffic onto neighborhood streets from nearby congested arterials or collectors does occur," and explains that the "intent of this policy is to minimize the amount of cut-through traffic and the impacts of this traffic when it does occur by the use of various forms of traffic calming techniques." Comprehensive Plan at X-13.

29. Comprehensive Plan Policy T-6.1 states that the City should "[p]ave streets and access easements to the smallest dimensions necessary to accommodate their designed function, including emergency access." Comprehensive Plan at X-20.

#### Applicable Law

30. KZC 150.22.2 provides the requirements for distribution of notice of a subdivision application. It requires notice to owners of all property within 300 feet of any boundary of the subject property and to residents of each piece of property adjacent to or directly across the street from the subject property. It also requires publication in the City's official newspaper, and posting on the City's official notification boards and on the City's website. This Code section also includes the requirement for the applicant to post the property. Requirements for the notice of hearing are similar. *See* KZC 150.30.2.

31. Exhibit A, Attachment 3 includes surface water, stormwater, street and pedestrian improvement, tree retention, and other development standards and requirements for the project.

32. KZC 110.60.1 authorizes the Public Works Director to require dedication of land for rights-of-way and utility infrastructure if reasonably necessary as a result of a proposed development.

33. KZC 110.60.6 authorizes the City to require stop signs "in the manner and location established by the Department of Public Works."

34. KZC 95.30.6.a allows for phased review of tree retention as part of the subdivision process. In phased review, the applicant submits a tree retention plan that addresses only trees affected by known improvements at the time of application, and tree removal is limited to those affected areas. A new tree retention plan is required for each subsequent phase of the project.

35. KZC 85.25 lists the performance standards the City may require for development in a landslide hazard area.

36. KZC 150.65.3 provides that the Hearing Examiner may approve a Process IIA application only if it is "consistent with all applicable development regulations, and to the extent there is no applicable development regulation, the Comprehensive Plan," and is "consistent with the public health, safety and welfare."

37. KMC 22.12.230 provides that the Hearing Examiner may approve a proposed subdivision only if:

- (1) There are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds and schools; and
- (2) It will serve the public use and interest and is consistent with the public health, safety and welfare. The Hearing Examiner shall be guided by the policy and standards and may exercise the powers and authority set forth in RCW 58.17.

38. In Process IIA application, the applicant bears the burden of convincing the Hearing Examiner that the applicant is entitled to the requested decision. KZC 150.50.

**Conclusions:**

1. There is no evidence in the record that the Department failed to comply with the notice requirements of KZC 150.22 or KZC 150.30.
2. Size, land use, zoning, and neighboring development do not raise issues of concern for the proposed subdivision.
3. The proposal is consistent with the site's zoning, which is consistent with the Comprehensive Plan's designation for the site.
4. The proposal has satisfied SEPA and Traffic Concurrency requirements.
5. The proposed subdivision will create infill residential development and is consistent with the goals of the Comprehensive Plan. The NE 129<sup>th</sup> Street connection recommended by the Public Works Department is consistent with Comprehensive Plan Policies T-4.3 and T-4.5, which call for an interconnected network for vehicular circulation including convenient access for emergency vehicles. The Public Works Department's recommendation for use of traffic calming techniques on the road, such as speed bumps, and stop signs at intersections, is consistent with Comprehensive Plan Policies T-1.2 and T-4.4, which suggest use of such techniques to mitigate adverse impacts of transportation systems on neighborhoods. And the construction of the paved road at 24 feet is consistent with Comprehensive Plan Policy T-6.1, which calls for the City to pave streets to the smallest dimensions necessary to accommodate their designed function.
6. As conditioned, the proposed subdivision complies with KMC 22.12.230 and KZC 150.65. As conditioned, it is consistent with zoning, subdivision, and other applicable regulations and makes adequate provision for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools. The proposed subdivision will serve the public use and interest and is consistent with the public health, safety and welfare.

**DECISION:**

Based on the foregoing findings and conclusions, the application for a preliminary subdivision is approved, subject to the following conditions:

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Exhibit A, Attachment 3, Development Standards, is provided to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations. When a condition of approval conflicts with a development regulation in Exhibit A, Attachment 3, the condition of approval shall be followed.
2. The applicant shall comply with the applicable tree retention requirements of KZC Chapter 95. The tree retention conditions as outlined in Exhibit A, Attachment 3 shall be followed.
3. Prior to recording the subdivision, the applicant shall record the proposed lot line alteration to adjust the property boundaries to match the proposed site plan.
4. As part of any development permits, the applicant shall follow the recommendations contained in the report by Earth Solutions NW, LLC dated October 3, 2013.

Entered this 25<sup>th</sup> day of June, 2014, pursuant to authority granted by KZC 150.65 and KMC 22.12.230.

  
Sue A. Tanner  
Hearing Examiner

**SUBSEQUENT MODIFICATIONS**

Modifications to the approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

**LAPSE OF APPROVAL**

Under Section 22.16.130 of the Subdivision Ordinance, the owner must submit a final plat application to the Planning Department, meeting the requirements of the Subdivision Ordinance and the preliminary plat approval, and submit the final plat for recording, within seven years following the date the preliminary plat was approved or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 22.16.110, the running of the seven years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the plat.

**PARTIES OF RECORD:**

Maher Jacobi, Applicant  
Parties of Record prior to the hearing  
Kathryn and Keith O'Neill  
Kevin Smit  
Elaine H. Berryman  
Lara Sosnosky  
Jack Berryman  
Luanna Chandler  
Tom and Jill McGowan  
Kim Chandler  
Bob and Lisa Hedrick  
Jeff Parks  
Liz Parks  
Frankie Bottinelli  
Tin Su  
Department of Planning and Community Development  
Department of Public Works  
Department of Building and Fire Services

**EXHIBITS:**

The following exhibits were entered into the record:

- Exhibit A Department's Advisory Report with Attachments 1 through 10  
Exhibit B Comment letters from Rod W. Tucker, Robert and Stacy Segundo, William Michael Frickberg, Joseph W. Martin, and John T. Cook, attorney-at-law, on behalf of BERPS Associates  
Exhibit C Copy of Elaine T. Berryman's testimony and 8 photographs  
Exhibit D Comment letters from Lyman Perkins, Kathleen Perri, and W.D. and Adelia T. Gran

**APPEALS AND JUDICIAL REVIEW**

The following is a summary of the deadlines and procedures for appeals. Any person wishing to file or respond to an appeal should contact the Planning Department for further procedural information.

**APPEAL TO THE CITY COUNCIL**

Section 150.80 of the Zoning Code allows the Hearing Examiner's decision to be appealed by the applicant and any person who submitted written or oral testimony or comments to the Hearing Examiner. Under Section 150.80, a party who signed a petition may not appeal unless such party also submitted independent written comments or information. The appeal must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., July 14, 2014, fourteen (14) calendar days following the

postmarked date of distribution of the Hearing Examiner's decision on the application.

**JUDICIAL REVIEW**

Section 150.130 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within 21 calendar days of the issuance of the final land use decision by the City.

## **Exhibit A**

The Staff Advisory Report and Attachments for June 18, 2014 Hearing can be found here:

[Staff Report and Attachments 1 thru 5](#)

[Attachments 6 thru Attachment 10](#)

June 2, 2014

RECEIVED

JUN 04 2014

AM PM  
PLANNING DEPARTMENT  
BY \_\_\_\_\_

Examiner  
c/o Tony Leavitt  
City of Kirkland Planning & Community Development  
123 5<sup>th</sup> Avenue  
Kirkland, WA. 98033

RE: Permit No. SUB13-02088

Submitted By:  
Rod W Tucker  
13227 NE 130<sup>th</sup> Pl  
Kirkland, WA. 98034  
rod.nic@comcast.net

I vehemently challenge the proposal to create a new through road at 129<sup>th</sup> St!

What is the benefit to creating a new through road at 129<sup>th</sup> Street????? None! There is absolutely zero benefit to creating a new through road. If the new neighborhood has access via 136<sup>th</sup> Ave NE, then why is a new through road even being considered???? This is a ridiculous proposal that only serves to benefit the developer. On the other hand, the number of negative ramifications of creating a through road at 129<sup>th</sup> Street is significantly higher than zero.

Non residents will use this new path as a short cut between 132<sup>nd</sup> St and 136<sup>th</sup> Ave, especially during high traffic periods, which already cause 132<sup>nd</sup> St to back up for blocks, causing significant difficulty, at times, for existing residents trying to exit the neighborhood and travel West on 132<sup>nd</sup> St. This group of short cutters will not be concerned with maintaining the speed limit and will immediately create a new, significant, hazard to children, pets, and pedestrians who currently enjoy some level of safety knowing there are very few vehicles entering and leaving the neighborhood who do not share the same concerns as the residents who live there!

I have three active boys and they enjoy playing outside and having friends over. Our cul-de-sac is relatively quiet and we enjoy some peace of mind knowing they and their friends can play outside without significant traffic concerns. A new through street will eliminate this for all of us.

Look at the records of bursting pipe repairs in this neighborhood. The system is not built to withstand the current traffic load, let alone the massive increase in traffic that would be created by a new through street. Crumbling sidewalks, created by existing rumbling traffic, is already an issue that needs attention. Through traffic will only perpetuate this problem and create more issues.

CITY OF KIRKLAND  
Hearing Examiner Exhibit

Applicant \_\_\_\_\_  
Department \_\_\_\_\_  
Public

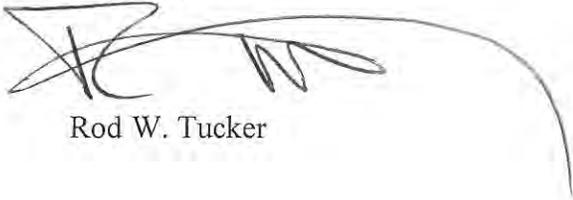
B

FILE # SUB13-02088

The "No Outlet" sign seen when entering this neighborhood was a major selling point for many who currently live here and will continue to be a major selling point for any new residents. The value of ALL of our homes will decrease by creating a new through street where one does not need to be. We have lived here happily for years without the need for a through street and the new residents of RSA 8 will be perfectly fine without it as well. In fact, their property values will likely be higher as a result of less through traffic in *their* neighborhood.

It is my belief that a through street consideration is being proposed as the only means by which the developer can squeeze in a few extra lots to sell. PLEASE do not compromise our standard of living so that a developer can make a few extra bucks. Be reasonable when making your considerations and please weigh the actual pros and cons and who is actually benefiting from this. Is it the residents? No! Clearly! It is the developer. Take care of the families who made the choice to live here.

Regards,

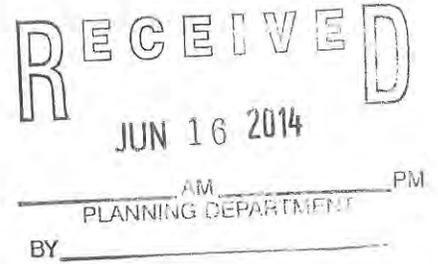
A handwritten signature in black ink, appearing to read "Rod W. Tucker". The signature is stylized with a large, sweeping flourish that extends to the right and then curves back down.

Rod W. Tucker

June 13, 2014

Hearing Examiner  
c/o Mr. Tony Leavitt  
City of Kirkland-Planning and Community Development Department  
123 5<sup>th</sup> Avenue  
Kirkland, WA 98033

Re: Permit # SUB13-02088



To Whom It May Concern:

We are writing to express our concerns regarding the construction of the Meritage Ridge Subdivision and the subsequent traffic impact.

Our primary concern is the proposed access road off of 136<sup>th</sup> Ave NE that will also connect to the existing NE 129<sup>th</sup> Street and subsequently 133<sup>rd</sup> Place NE. It is our understanding that traffic studies have been conducted and study results have indicated that there will be no adverse impact. Traffic counters were placed on 133<sup>rd</sup> Place NE after a 2<sup>nd</sup> traffic study was requested. However, it is the time it takes to take a left onto NE 132<sup>nd</sup> in peak traffic times that could pose challenges. Merging onto NE 132<sup>nd</sup> can be difficult due to traffic backing up from the traffic light at the intersection of NE 132<sup>nd</sup> and 132<sup>nd</sup> NE. This factor along with the increased traffic from the completion of the new developments of Vintners Ridge (51 homes), Willows Bluff (26 homes), and Meritage Ridge (36 homes) will adversely affect the neighborhood traffic flow when traffic backs up onto 133<sup>rd</sup> Place NE.

The "Environmental Determination for Meritage Ridge Preliminary Subdivision" Memorandum dated May 8, 2014 did not address this.

We ask that you consider the increase in traffic volume when all developments are completed and consider another option other than the connection of NE 129<sup>th</sup> Street to 133<sup>rd</sup> Place NE. 133<sup>rd</sup> Place NE was not built to handle the volume of traffic that is anticipated.

Thank you for your consideration.

Sincerely,

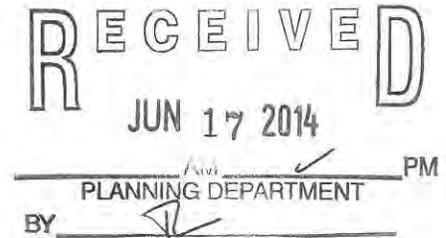
A handwritten signature in blue ink that reads "Stacy Segundo". To the right of the signature is a blue circular stamp containing the text "CITY OF KIRKLAND" and "PLANNING DEPARTMENT".

Robert and Stacy Segundo  
13226 NE 130<sup>th</sup> Place  
Kirkland, WA 98034  
425.495.1500 (c)  
stacy\_oda2001@yahoo.com

## Tony Leavitt

---

**From:** Mike <mfrickberg@whidbey.com>  
**Sent:** Tuesday, June 17, 2014 12:42 PM  
**To:** Tony Leavitt  
**Subject:** Meritage Ridge, Case No. SUB13-02088



Tony Leavitt  
City of Kirkland  
123 Fifth Avenue  
Kirkland, WA 98033

Re: Meritage Ridge, Case No. SUB13-02088

Dear Mr Leavitt,

My wife's grandparents in the 1940's purchased the five acre property that is the majority of the south portion of the proposed Meritage Ridge development.

My wife clearly remembers when there was only a few houses with open grass fields, meadows and trees where the Totem Vista, Weathersfield, and Meadow View developments now exist.

Over time these three developments evolved. The developers designed and built the homes following the The King County Master Plan in place at that time.

As a result the roads were layout and built with the clear intention of continuing the road as future properties developed. This was obvious and clear to us when we bought our property at 13419 NE 129th St in 1982 - that the property was zoned as multiple houses per acre.

When the Meadow View development was finished in the mid 1980's the prospective home buyers bought into a developed community concept which included a road stubbed (NE 129th St) that was clearly defined, curbed, paved, complete with utilities pointing east toward future development. For that matter it was the same for Totem Vista, and Weathersfield with their roads stubbing out toward the south at each of their development completions.

From our perspective, each of the original and current home owners bought their homes knowing of the road continuation potential.

We have owned our property and lived here for many years as we watched the grass filled meadows as they became developed - for which those that are opposing this now call home.....with all due respect, we expect the same curtiouisy that we have previously extended with their developments.

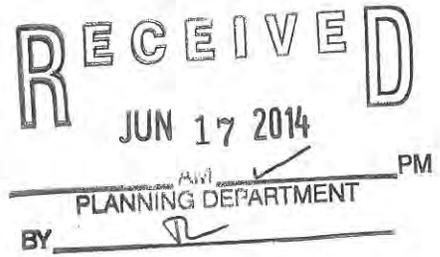
Respectfully,

William Michael Frickberg  
Vicki B Frickberg  
13419 NE 129th St  
Kirkland, WA, 98034

June 17, 2014

Via Email: TLeavitt@kirklandwa.gov

City of Kirkland Hearing Examiner  
c/o Tony Leavitt, City of Kirkland Planning Dept.  
123 5<sup>th</sup> Avenue  
Kirkland, WA 98033



**Re: Meritage Ridge, Case No. SUB13-02088**

Dear Hearing Examiner:

This firm represents a group of individuals commonly referred to as BERPS Associates (“BERPS”). BERPS is the owner of King County Tax Parcels 2726059123, 2726059051, & 2726059122 which abut the southern boundary of the above-referenced subdivision (“BERPS Properties”). By letter dated February 7, 2014 BERPS submitted comments to the City of Kirkland Planning Department which identified BERPS’ concerns with the proposed subdivision. Specifically, BERPS raised concern over the impact any increase in stormwater may have on the stability of a slope along the southern boundary of the proposed Meritage Ridge subdivision.

Since that time, BERPS has met with the applicant and its engineers and has addressed its concerns subject to the applicant adhering to the following conditions:

- Drain System—Applicant agrees to construct and maintain a French Drain or similar structure along the length of the southern boundary of the property (“Drain System”). The Drain System shall be designed to capture stormwater runoff and convey it away from the slope. The Drain System shall be maintained by applicant until the post-construction is complete and operational.
- Retention of CESCL—Applicant agrees to retain a Certified Erosion and Sediment Control Lead (“CESCL”). The CESCL shall inspect and monitor the site during

construction to ensure that construction stormwater is being managed in accordance with all applicable requirements.

- Post-Construction Drainage—Applicant agrees to construct and install a drainage system on the subdivision lots abutting the southern boundary. The post-construction drainage system shall consist of catch-basin(s) which shall collect and convey stormwater to the stormwater vault. Final grading of the rear yards shall be sloped towards the on-site drainage.
- Stormwater Vault Design—Applicant shall provide BERPS with the opportunity to review and comment on the final designs for the stormwater vault. Applicant agrees to implement reasonable design measures recommended by BERPS to ensure that the vault does not undermine slope stability.

BERPS maintains that the City has not acquired the legal rights to use an existing drainage system that crosses a portion of the BERPS Properties to collect and convey stormwater generated from public right-of-ways. BERPS is addressing that issue separately with the City.

Please contact me if you have any questions.

Very truly yours,



John T. Cooke

Cc: Rob Jammerman (via email)  
John Baringer (via email)  
Client

Written comments submitted by

Joseph W. Martin

Telephone: 206-334-5302

12942 133rd PL NE

joemartin500@msn.com

Kirkland, WA 98034

To:

Tony Leavitt, Associate Planner , et al

Regarding:

Meritage Ridge 36 Lot Preliminary Plat      FILE NO.: SUB13-02088

My wife, Alison D. Martin and I have resided at / owned the above property since September, 1984.

We wish to argue against the opening of the "existing NE 129th Street right -of-way, to the west of the plat, to create a new through road."

This action will effectively turn 133rd Place NE into an arterial.

Speeds of vehicles originating from the cul-de-sac at the south end of 133rd Place NE frequently exceed the posted limit of 25 mph.

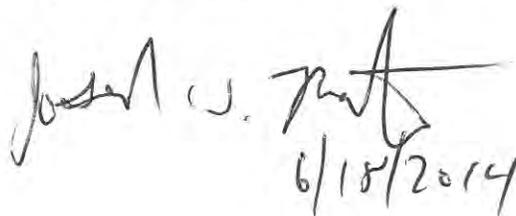
Routing vehicles from the proposed development, as well as traffic from

136th Avenue NE will add to the problem and most definitely affect the safety and serenity of our neighborhood in an adverse way.

We realize that most people are apt to advance a "NIMBY" argument, but we appeal to a sense of fair play- since annexation by the City of Kirkland, our property taxes have increased, as well as the utility bills- owing to "franchise fees" tacked on by the city.

Under this proposal, the Developer realizes their profit- and produces an externality degrading our quality of life.

Please consider a compromise- restrict access to the new development to 136th Avenue NE and preserve the safety and character of Totem Vista / Wethersfield.

  
6/18/2014

June 18<sup>th</sup> 2014

ELAINE BERRYMAN, 12924 133<sup>RD</sup> PLACE NE (WETHERSFIELD SUBDIVISION)

LOCATION: THE SPUR ROAD (AT NE 129<sup>TH</sup> ST AND 133<sup>RD</sup> PLACE NE) IS SITUATED ONLY THREE PROPERTIES SOUTH OF MY HOUSE. THIS EXITING SMALL, DEAD END STREET HAS BEEN THERE SINCE APPROXIMATELY 1986 WHEN THE LAST SUBDIVISION WAS BUILT. ALL THREE SUBDIVISIONS LOCATED IN THE SAME VACINITY WITH THE TRAFFIC FLOW IN AND OUT ON ONLY 133<sup>RD</sup> PLACE NE OFF OF NE 132. WE HAVE ALL, OVER THE PAST 35-40 YEARS, THOUGHT THIS WOULD BE A PERFECT LOCATION FOR ALL OUR FAMILIES TO BE RAISED. IT IS A VERY QUIET AND SAFE NEIGHBORHOOD TO RAISE OUR CHILDREN, GRANDCHILDREN, OLDER ADULTS, AND PETS. BEING IN UNINCORPORATED KING COUNTY WHEN THESE HOUSES WERE ORIGINALLY BUILT, WE ALL UNDERSTOOD THAT NE 129<sup>TH</sup> STREET WOULD REMAIN CLOSED AND NEVER OPENED AS A THROUGH STREET. NOW, THAT WE ARE IN THE "CITY OF KIRKLAND", WE ARE TOLD THAT THINGS HAVE TO BE APPLIED DIFFERENTLY. THIS IS VERY DISTURBING TO WE HOME OWNERS, KNOWING YOU ARE INSISTING ON CHANGING THIS STREET, WHICH IS VERY NARROW, INTO A STREET THAT WOULD CAUSE US TO DEAL WITH HEAVIER TRAFFIC FLOW IN OUR NEIGHBORHOOD ALONG WITH THE SMELL OF EXHAUST FUMES TO BREATHE, DIRT, DANGER TO OUR CHILDREN, GRANDCHILDREN, AND PETS, THE DROP OF PROPERTY VALUES, AND SPEEDING TRAFFIC. MANY OF WE ENJOY SO MUCH TO WALK OUR CALTISACS WHEN WE CHOOSE TO GET OUR DAILY EXERCISE. WE DO NOT HAVE AN "OPEN PLAY AREA" FOR OUR CHILDREN, WE DO NOT HAVE FANCY PICNIC AREA, A DOG PLAY AREA, ETC. THAT IS EXACTLY WHAT IS BEING PLANNED FOR THESE NEW DEVELOPMENTS. IN THE PAST YEARS, WE HAVE ALWAYS KNOW OUR STREET TO BE SAFE ENOUGH TO HAVE ANNUAL PICNICS, A PLACE TO SHARE CONVERSATIONS WITH OUR GREAT NEIGHBORS AND OF COURSE WATCH OUR CHILDREN RIDE THEIR BIKES AND PLAY SOCCER OR SOFTBALL. WE KNOW ALL OF OUR NEIGHBORS' CARS, PETS, AND CHILDREN. WITH THIS ROAD OPEN – WE WON'T HAVE THIS GREAT OPPORTUNITY AGAIN. WE ARE SURROUNDED BY NE 124<sup>TH</sup> (WHICH IS A MAJOR ROAD TO THE SOUTH OF OUR DEVELOPMENT) – ALONG WITH 132 NE TO THE WEST, ALONG WITH NE132 TO THE NORTH, AND 136NE TO THE EAST OF OUR PROPERTIES. WE ARE DIRECTLY SITUATED IN THE MIDDLE OF ALL THE CARS GOING EVERY DIRECTION ON THESE ROADS EVERY DAY AROUND US – AND, NOW THE CITY OF KIRKLAND WANTS TO DIRECT THAT SAME TRAFFIC THROUGH A NEIGHBORHOOD THAT HAS BEEN HERE FOR 40 YEARS AND SO ADMIRER BY THEIR HOMEOWNERS. WE ALL WOULD PREFER TO KEEP OUR NEIGHBORHOOD A PROUD, FRIENDLY, AND SAFE NEIGHBORHOOD. THERE'S AN OLD SAYING "IF IT AIN'T BROKE, DON'T ~~FIX~~ FIX IT" -- THIS ROAD NEEDS TO REMAIN CLOSED!

THE CITY OF KIRKLAND SAY THEY ARE CONCERNED WITH EMERGENCY VEHICLES GETTING TO THE NEW DEVELOPMENT OF "MERITAGE RIDGE". RATHER THEN GO SOUTH IN OUR NEIGHBORHOOD, ON 133<sup>RD</sup> PLACE NE., DOWN TO NE129 ST WITH THESE EMERGENCY VEHICLES, WHY DON'T THEY FOCUSED ON DOING SOMETHING ABOUT THE PARKING ON NE 132<sup>ND</sup>, WHICH SOME OF THOSE BROKEN-DOWN CARS, TRAILERS, AND TRUCKS HAVE BEEN PARKED THERE FOR MONTHS AND MONTHS. THESE VEHICLES ARE AN OVER-FLOW FROM THE "KIRKLAND HEIGHTS APARTMENTS" WHICH ARE LOCATED NORTH OF OUR SUBDIVISION. WE THINK THE CITY OF KIRKLAND SHOULD TAKE THE TIME, MONEY, AND EFFORT THAT THEY WOULD USE OPENING NE129TH AND APPLY IT IN CLEANING-UP NE 132<sup>ND</sup> FROM THOSE VEHICLES AND DEMAND "NO PARKING ON THAT STREET". THE KIRKLAND HEIGHTS APARTMENTS OWN THE LARGE AND VACANT PARCEL OF LAND TO THE EAST OF THEIR UNITS. THERE IS NOTHING ON THIS

CITY OF KIRKLAND  
Hearing Examiner Exhibit

Applicant \_\_\_\_\_  
Department \_\_\_\_\_  
Public

C

FILE # SUB13-02088

PARCEL AT ALL AND IT WOULD PROVIDE THE "KIRKLAND HEIGHTS" APARTMENTS WITH A PERFECT SOLUTION TO THEIR OVERFLOW. DOING THIS, IT WOULD PROVIDE THE CITY WITH A MUCH WIDER AND SAFER ROUTE TO NE 136<sup>TH</sup>, POSSIBLY ADDING EVEN A BIKE LANE. WORKING ON SOLVING NE132 PROBLEMS WOULD ALLOW MORE SAFE AND DIRECT ACCESS TO ALL DEVELOPMENTS OFF OF NE136<sup>TH</sup>. THIS WOULD SEEM MORE LOGICAL, LESS EXPENSIVE, AND WOULD AVOID INTERRUPTING OUR DAILY LIVES IN "OUR SUBDIVISION" ON 133<sup>RD</sup> PLACE NE WITH EMERGENCY VEHICLES AND OTHER LOCAL TRAFFIC THAT WOULD CUT THROUGH TO "MERITAGE RIDGE". THE NEW HOUSING DEVELOPMENT JUST NORTH OF "MERITAGE RIDGE" WHICH IS CALLED "VINTNER'S WEST" CONTAINS 35 HOUSES (ONE SHORT OF MERITAGE RIDGE", HAS "NO" PLANS FOR A THROUGH STREET, SO THAT MEANS ANY EMERGENCY VEHICLES WOULD BE FORCED TO ENTER THAT SUBDIVISION ONLY OFF OF 136<sup>TH</sup> NE. IT WILL BE THE "ONLY ENTRANCE AND EXIT" TO THIS NEW DEVELOPMENT, SO WHY CAN'T THOSE SAME EMERGENCY VEHICLES ENTER AND EXIT TO THE SOUTH DEVELOPMENT, ONLY A FEW HUNDRED YARDS SOUTH OF VINTNER'S RIDGE OFF OF 136<sup>TH</sup> NE. SEEMS TO ME, THE CITY WOULD SAVE A LOT MORE TIME AND TAX PAYER'S MONEY, IF THEY WOULD IMPROVE THE CONDITIONS ON NE 132 AND 136<sup>TH</sup> NE TO PROVIDE THE BEST EMERGENCY ACCESS POSSIBLE.

WE IN THE SUBDIVISIONS THAT ARE LOCATED ON 133<sup>RD</sup> PLACE NE, NE 129<sup>TH</sup>, NE 130<sup>TH</sup>, AND NE 131<sup>ST</sup> WOULD LIKE TO HAVE THE NE 129<sup>TH</sup> STREET REMAIN CLOSED. WE WOULD LIKE OUR NEIGHBORHOOD TO REMAIN THE QUIET, PEACEFUL, CLEAN, SAFE, AND PROUD PLACE THAT EXIST NOW!

(SUBMIT EXHIBITS)

{ 7 Photos submitted of NE 132<sup>nd</sup> with overflow parking at the Kirkland Heights Apartments and vacant lot east of the apartments which is owned by Boeing Machinist Aerospace Union and ① picture of NE 129<sup>th</sup> Street.  
Also, I'm submitting this letter.

ELAINE H. BERRYMAN  
Elaine H. Berryman  
12924 133<sup>rd</sup> Place NE  
Kirkland, WA. 98034

phone: 425-821-1774  
email: ehberryman@hotmail.com



NE 132<sup>nd</sup> headed east towards 136<sup>th</sup>



6/18/2014



NE 132 headed West to video section



6/18/2014



6/18/124

TO: WHOM IT MAY CONCERN  
I'm LYMAN PERKINS, I  
LIVE AT 13232 NE 129TH PLACE  
KIRKLAND 98034. I VEHEMENTLY  
OPPOSE THE OPENING OF OUR  
COMMUNITY TO A THROUGH ROAD  
FOR TRAFFIC FROM THE NEW  
DEVELOPMENT.

I'm CONCERNED ABOUT THE  
MASSIVE AMOUNT OF TRAFFIC THROUGH  
OUR SMALL COMMUNITY. SAFETY, POLLUTION,  
THE DE-VALUE OF OUR HOMES, etc, etc.

Lyman Perkins

TEL: (425) 823-8250

E MAIL: PERKY474@COMCAST.NET

CITY OF KIRKLAND

Hearing Examiner Exhibit

Applicant \_\_\_\_\_

Department \_\_\_\_\_

Public

FILE # SUB13-02088

**D**

*Kathleen M. Perri  
13246 NE 129<sup>th</sup> Place  
Kirkland, WA 98034*

TO: City of Kirkland

RE: Proposal to create new through road using 133<sup>rd</sup> place.

As a resident of Kirkland, living at the corner of 129<sup>th</sup> Place and 133<sup>rd</sup> Place, I wish to express my concerns regarding the new proposed through road in my neighborhood.

There is already enough traffic on 133<sup>rd</sup> Place and opening the cul de sac to allow new and more traffic is a serious safety issue. There are children at play in a quiet, safe neighborhood and that would be dramatically changed.

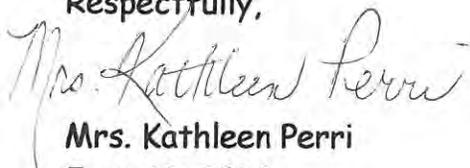
Also, the speed and number of vehicles is a major concern. There are currently no speed limit signs and no stop signs on our streets, until you get to the main intersection at 132<sup>nd</sup>. Traffic would be out of control without signs. Since most new developments attract younger families, visitors and relatives would create much more traffic. Also speed would definitely be a great concern and should be a major factor in this decision process. How about delivery trucks, trash and yard waste trucks, home repair and utility companies coming to do their work. All of this will have an impact on our neighborhood.

The air quality and the noise are also factors which all residents must be concerned about. I know I do not want more noise from vehicles passing my home every day, or the pollution from more vehicles. Our health as well as safety is a concern.

The value of our homes will also be affected by changing our neighborhood to an open/easy access area.

The list can go on and on.....I'm sure many people will have additional items for your consideration. I hope my concerns are given consideration in this process. If a vote is taken, I vote NO for the new through road!

Respectfully,



Mrs. Kathleen Perri

June 18, 2014

July 16, 2014

To: City of Kirkland Hearing Examiner

c/o Mrs Tony Leavitt  
Planning Dept.

Re: File No. SUB13-02088  
Meritage Ridge Subdivision

We are opposed to opening NE 129th Street as a new through road connecting to 133rd Place NE. It will create more traffic, noise and bring our house value down. The residents of this new development should exit off of the new road with access to 136th Ave. NE. Keep our neighborhood separate. Thank you for your consideration.

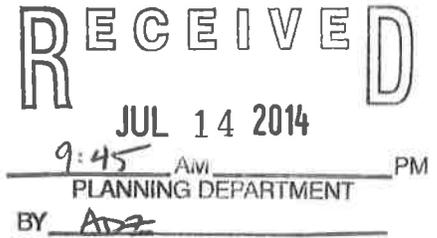
Signed

Adelia T Gran  
13040 - 133<sup>rd</sup> Pl NE  
425-823-7098

Name Mr. D. Gran  
Address 13040 133 Pl NE  
Telephone 425-823-7098

Due to old age and health we are not able to attend meeting. Very concerned.

Kathryn O'Neill  
12822 133<sup>rd</sup> PL NE  
Kirkland, WA 98034  
July 14, 2014



Kirkland City Council  
123 Fifth Avenue  
Kirkland, Washington 98033

## NOTICE OF APPEAL

**FILE NO: SUB13-02088**

**LEAD APPELLANT: Kathryn O'Neill**

**OTHER APPEALANTS: Existing persons of record**

I, Kathryn O'Neill, on behalf of existing persons of record and the residents of Totem Vista, Wethersfield and Meadow View, submit this appeal to the proposed plan for **MERITAGE RIDGE PRELIMINARY SUBDIVISION, FILE NO. SUB13-02088**. This appeal is specifically contesting the extension and connection of the NE 129<sup>th</sup> Street stub with 136<sup>th</sup> Avenue NE.

The current plan is appealed on the basis that:

- I. The City of Kirkland Planning Department (and other entities cited in Exhibit A) did not use substantiated current data when proposing recommendations, guidelines and conditions to the applicant (Harbor Homes LLC).
- II. The current plan is in clear violation of numerous Transportation Goals and related Policies as outlined in the City of Kirkland Comprehensive Plan.

**I.** A key factor of the findings and recommendations is the Traffic Impact Analysis (TIA) initiated by Thang Nguyen and conducted/prepared by an external entity (Exhibit A pg.118-158). The analysis of usage for the arterial NE 132<sup>nd</sup> Street/ 136<sup>th</sup> Avenue NE was completed during a time when the road was closed in both directions for more than four months. Rather than waiting until the appropriate time to garner accurate readings, a grossly inaccurate (2012) traffic analysis was used instead (Exhibit A, pp. 122).

In addition, the location in question, as well as the surrounding territory, is currently undergoing a “recent spike of development in the area” as stated by Sue Tanner, City of Kirkland Hearing Examiner (Exhibit C). Given the known concentration of development in the area as well as intense development of feeder areas (Exhibit D), the recommendation (Exhibit A, pg.160-164) is increasingly flawed as it uses both invalid and outdated TIA data as well as conservative estimates.

During normal use the intersection of 132<sup>nd</sup> Ave NE and 132<sup>nd</sup> Pl NE regularly backs up, resulting in a waiting line of traffic that reaches down 136<sup>th</sup> Ave NE. The proposal of the connector road was based on the idea that traffic moves freely along 136<sup>th</sup> Ave NE, which it does not. Because this is not the case, non-local drivers will use the proposed connector road cutting through multiple neighborhoods as a shortcut to the 132<sup>nd</sup> Ave NE and 132<sup>nd</sup> Pl NE stoplight.

Therefore the claim in Exhibits A and B and as stated by Kirkland City Planner Tony Leavitt (June 18, Hearing Examiner Public Meeting) that traffic would *not* re-route along the proposed connector road (NE 129<sup>th</sup> Street) and through existing neighborhoods (Totem Vista, Wethersfield and Meadow View) as well as the new Meritage Ridge neighborhood, is inherently false.

**II.** The current proposed plan is also in direct violation of numerous Goals and Policies outlined in the Transportation section of the City of Kirkland Comprehensive Plan (Exhibit B).

The advisory report and conditions of the city (Exhibits A & B) as well as statements made by city officials under oath (June 18, Hearing Examiner Public Meeting) list Transportation Goal T-4 to support the proposed actions. Based on public arguments by the city planner, it seems that the main focus are Policies T-4.5 & T-4.3, regarding multiple access points for emergency vehicles as well as pedestrian and cycle traffic. There are suitable solutions that adhere to said policies without the road connection as proposed.

Also within Goal T-4,

- Policy T-4.1 lists “Limiting left turns along congested arterials.” which the plan for the connector road would violate by *encouraging* not *limiting*.
- Policy T-4.2 was largely ignored in the report and conditions (Exhibits A, B & C) as the persistent parking issues along 132<sup>nd</sup> Street were not recommended as a traffic mitigation option.

It is also important to note that Goal T-1 (Exhibit B) has not being addressed in the plan. The conditions and recommendations stated by the city call for traffic calming measures relating to speed but not quantities or types of vehicle. Due to the nature of the proposed road as well as the volume of traffic on surrounding roads the action that most aligns with the City of Kirkland Comprehensive Plan would be a passage specific to pedestrians, bikes and emergency vehicles.

Finally, the proposed connection deeply breaches Policies within Goal T-1,

- Policy T-1.2: “Mitigate adverse impacts of transportation systems and facilities on neighborhoods.” Which would bring the following adverse impacts to the neighborhood in question:
  - Safety problems due to speeding vehicles and increasing traffic volumes;
  - Increased traffic resulting from drivers seeking alternate routes to congested arterials and/or
  - Air and noise pollution

These adverse impacts of the road connection as proposed on the existing community come without the ability to mitigate the overall burden on 136th Ave NE.

- Policy T-1.3: “Establishing a street system that promotes and maintains the integrity of neighborhoods.”

I have canvassed the neighborhoods and received strong verbal and monetary support for this appeal. We, the residents of Totem Vista, Wethersfield and Meadow View, feel that since the annexation we do not have a voice on the Kirkland City Council, I hope that the resolution of this issue can end that impression.

I look forward to speaking with the Council further on this matter as we work towards a safe, thriving and beautiful city.

Sincerely,



Kathryn O'Neill

Meadow View resident & Person of Record for File NO: SUB13-02088  
12822 133<sup>rd</sup> PL NE  
Kirkland WA, 98034

**List of Exhibits:**

- A) Advisory Report: Findings, Conclusions, and Recommendations; **Meritage Ridge Preliminary Subdivision, File No. SUB13-02088**

Part 1 document located:

<http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Hearing+Examiner/Meritage+Ridge+Prelim+Subdivision+HE+06182014+WEB+1.pdf>

Part 2 document located:

<http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Hearing+Examiner/Meritage+Ridge+Prelim+Subdivision+HE+06182014+WEB+2.pdf>

- B) City of Kirkland Comprehensive Plan, IX Transportation

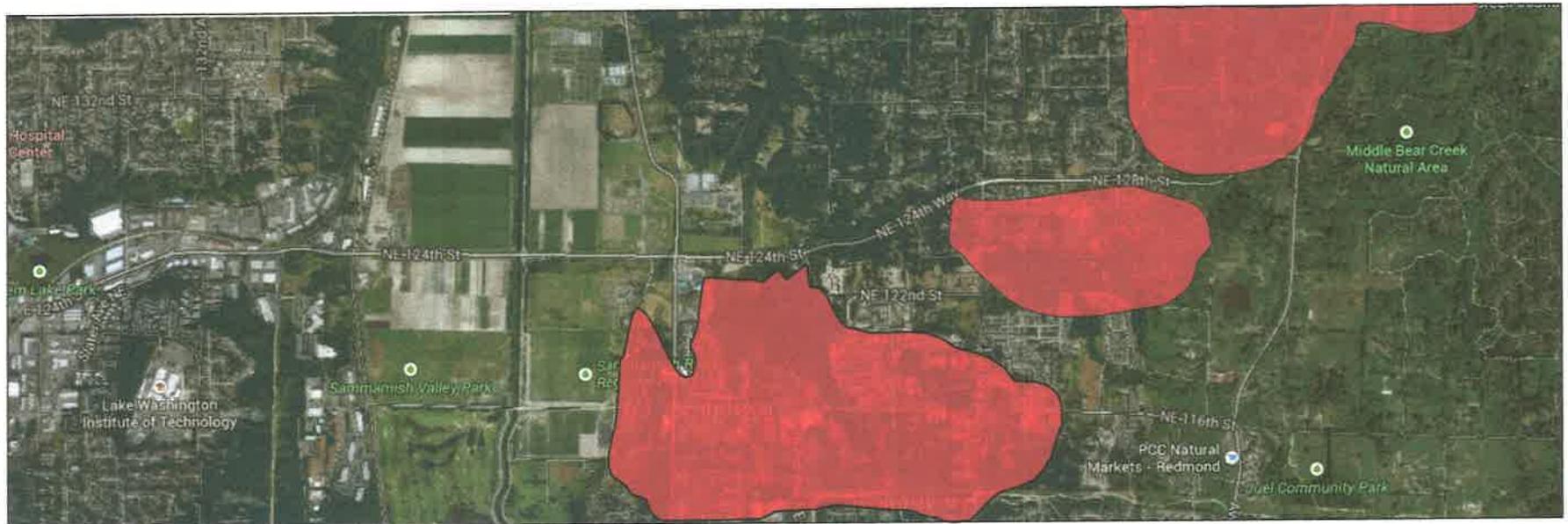
Document located:

<http://www.kirklandwa.gov/Assets/Kirkland+2035/K2035+Comprehensive+Plan+Transportation.pdf>

- C) City of Kirkland Hearing Examiner Findings, Conclusion and Decision; File No: SUB13-02088

- D) Current Locations of Concentrated Development in Feeder Areas (Document attached)

**Exhibit D: Current Locations of Concentrated Development in Feeder Areas (in red)**



RESOLUTION R-5068

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AFFIRMING THE HEARING EXAMINER DECISION APPROVING THE MERITAGE RIDGE PRELIMINARY SUBDIVISION IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. SUB13-02088.

WHEREAS, Harbor Homes LLC filed an application with the Department of Planning and Community Development for approval, through Process IIA review, of a preliminary subdivision located within a Single-Family (RSA) 8 zone; and

WHEREAS, the Hearing Examiner held an open record hearing on the application on June 18, 2014; and

WHEREAS, after considering all of the documents, testimony, and comments submitted at the hearing, the Hearing Examiner entered her Findings, Conclusions, and, Decision approving the application for the preliminary subdivision on June 25, 2014; and

WHEREAS, Kathryn O'Neill filed a timely appeal of the Hearing Examiner's decision to approve the application for the preliminary subdivision on July 14, 2014; and

WHEREAS, the City Council, in a closed record appeal hearing held during the September 16, 2014, regular meeting, having carefully considered the appeal, the staff report on the appeal, the record developed in the hearing before the Hearing Examiner, and the oral and written arguments of the persons entitled to participate in the appeal hearing.

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The Hearing Examiner decision approving the Meritage Ridge Preliminary Subdivision is affirmed and the Findings, Conclusions, and Decision of the Hearing Examiner entered June 25, 2014, and filed in the Department of Planning and Community Development File No. SUB13-02088 are adopted by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2014.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk